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March 6, 2017

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Association

Santa Barbara Upper East
Association

Veronica Springs Neighborhood
Association

Re: Draft NZO, Please do not recommend the proposal for
Neighborhood Markets in all Residential Zones

Dear Planning Commissioners:

Allied Neighborhoods Association did not realize what the
proposal for Neighborhood Markets was all about until we
reviewed online the Open Houses, Display Boards link this
weekend.

We feel the huge change to now allow Neighborhood Markets
in all residential zones, but especially in single unit zones
(RS), is a terrible idea and poses numerous compatibility
issues and concerns that cannot be mitigated.

Allowing Neighborhood Markets is an erosion of the intent of
single unit zoning, and this commercial use is not appropriate.
Basically, right next door, a neighborhood market can open
up with all the use impacts it brings. Some of those include:

- No required parking
- Commercial use in residential neighborhood
(constant coming and going, which is necessary for a market
to succeed)
- Hours of operation (to be determined by the approval
body), but most neighborhood markets are open early for the
coffee crowd and open well after dark in the evening, seven
days a week
- Alcohol sales, if the applicant chooses to obtain a
license, and it is widely known to usually be necessary for a
neighborhood market to succeed
- Tables and chairs for patron use in the front yard
area, outside of the interior yard setback
- Delivery trucks to deliver items sold in the market
and for any on-site food preparation. In other established
neighborhood markets such as in R-4 (West Downtown
neighborhood) there are large Pepsi and Budweiser trucks,
etc. making deliveries
- Noise impacts, inherent in this type of commercial
use

These are just some of the impacts to the peaceful enjoyment of our single family zoning and other neighborhoods where this would occur. We ask the Planning Commission to take another look at Neighborhood Markets, and most specifically we urge the Planning Commission not to recommend in the NZO Neighborhood Markets in single unit zoning.

Thank you.

Sincerely,
Allied Neighborhoods Association

cc: Marck Aguilar, Renee Brooke, Danny Kato

Julie Rodriguez

From: Anna Marie Gott <anna.marie.gott@gmail.com>
Sent: Wednesday, March 08, 2017 2:11 PM
To: Community Development PC Secretary
Cc: Renee Brooke; Danny Kato; Marck Aguilar
Subject: RE: NZO, Parking Options for Food Service Use
Attachments: Allied, NZO, Food Service Parking Requirements, March 8, 2016.pdf

Dear Chair Higgins and Planning Commission:

Please find attached Allied Neighborhoods Associations comments on parking options for food service use for tomorrows discussion on the New Zoning Ordinance.

Thank you,
Anna

Anna Marie Gott
Co-President

Allied Neighborhoods Association

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PLANNING DIVISION

March 8, 2017

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*Veronica Springs Neighborhood
Association*

Re: NZO, Parking Options for Food Service Use

Chair Higgins and Planning Commission:

Allied Neighborhoods Association has followed the discussion and deliberations at the last two Planning Commission meetings on the NZO regarding food service parking. The two main issues seem to be single rate (or not) and the parking ratio.

Within this context we understand that the CBD and "shopping centers" have their own unique rates.

We have concerns about a single rate of 1/250 being applied across the balance of the City (other than the two previously mentioned exceptions), where food service use is allowed. As Transportation Planning staff has stated this will create an unmet parking need.

There are numerous residential neighborhoods adjacent to, or nearby, zoning that allows food service use, and we agree with Commission Jordan that the unmet parking needs will spill into the residential neighborhoods. We think that's a problem.

We have listened to the Planning Commission discussions and public comment, and understand related issues, such as adaptive re-use of buildings. We also understand the increased intensity of use from a general commercial/office use (for instance) being changed to food service use, and the increased parking demand this creates. It is also important to note that **Transportation Planning staff said** there is generally an inherit **unmet parking demand from the AUD Incentive Program** (and that in many areas the unmet parking demand created at 1/250 for all food service uses would often be in the same areas as the unmet parking demand from AUD projects).

As we said above, this is a problem. This would most likely create food service use unmet parking demand to spill into neighborhoods such as Samarkand (adjacent to the De La Vina corridor), Milpas residential neighborhoods (up and down the Milpas Street corridor), San Roque neighborhoods (adjacent to the State Street corridor), etc. The more successful the restaurant (or other food service use), the greater the potential unmet parking demand and effects into residential neighborhoods

We are very concerned and recommend 1/125 for all food service uses to ensure adequate parking for adjacent residential neighborhoods which will be most impacted, including in the areas previously mentioned. At this time it is best to err on the side of caution (considering that there are numerous AUD projects in the pipeline, in these same commercial areas which have not yet been occupied, and we have no information about their possible unmet parking demand upon which to make a more informed decision). We want business to succeed, but not at the expense of adjacent residential neighborhoods

Thank you for your time and consideration.

Sincerely,

Joe Rution, Co-President, Allied Neighborhoods Association

Anna Marie Gott, Co-President, Allied Neighborhoods Association

cc: Marck Aguilar, Renee Brooke, Danny Kato

March 9, 2017

Planning Commission Members
734 Anacapa St.
Santa Barbara, CA 93101



Re: New NZO

Dear Commissioners:

I have been practicing architecture in this town for nearly 20 years. I sat on the ABR for over 5 years and have participated in many efforts over the past few years. As the recent past president of the local AIA chapter, we have been working with staff on some of the items contained in the NZO. I am writing on behalf of myself and other practicing architects who have to commune with the Ordinances and City Staff on a daily basis.

My firm has been involved in many Adaptive Re-use projects in the Funk Zone and Haley Milpas Corridor. We have worked closely with staff and others to make these Adaptive Re-use projects happen. These types of projects are invaluable approaches to redevelopment of the City of Santa Barbara and should be promoted. They are sustainable and green in thinking.

I understand that the City Staff, Planning Commission and City Council, including many people from the public have been taking on this herculean task. With an effort such as this, comes great scrutiny and staff, Planning Commission and City Council alike, has surely felt the weight of this burden.

No doubt, there are many people who share differing views and have differing concerns as you have heard today. I think that the staff has done a great job outlaying major changes to the NZO with respect to order, understanding and doing their best to make it a document that we all can use for many years. However, I believe that the STATED GOALS of the Staff and the Planning Commission are important and should be not only honored, but followed. Just so we are clear, here are the STATED GOALS extracted from the Staff Report before you:

- Is consistent with, and implements, the General Plan;
- Is restructured, concise, and easier to understand
- Is modern and reflects the City's current uses, practices, and development patterns; lists of allowed uses, standards, definitions, and graphics
- Provides clear decision-making protocols and streamlined review processes, including some decision-making flexibility for staff and decision makers
- Addresses nonconforming situations and brings them into compliance to the extent feasible
- **Promotes** adaptive reuse of properties

As a member of the local AIA chapter (and recent past president of the AIA) as well as someone who has practiced architecture in this community for nearly 20 years, I know that these goals are reachable, but we are not there yet. After much review of the NZO, meetings with staff, meetings with other professional architects I think we have come far, but have further to go.

As a business owner who employs over 20 people in the community, pays taxes and supports the local economy, one of my largest concerns is around work-force housing and how we may be able to keep qualified employees in Santa Barbara who will become future leaders of this community. 20 years ago, I moved here with that goal and have managed to "survive." However, today, the barrier to entry is even harder. Programs like the AUD, have begun to shed a light on this for people who work here and want to live near where they work. Sadly, the City is yet again on the verge of pausing a program before it has reached any sort of maturity. We cannot even study the positive or negative impacts yet...because there is little to study.

As a father of two amazing young girls, I am concerned about their future as well. Will they be able to support themselves here? Will they find work in Santa Barbara? What is the future that they are living into? One of a sustainably planned community or one of fear based reactionary planning? Fear, seems to be at the root of many decisions being made in the City these days. A common statement that I hear at the City is: "what if someone questions WHY we did this?" "what if someone complains?"

Well, what if someone "commends" a project or a City decision? That, as we all know, is rarely the case. In fact, most of what staff hears from people, isn't "great work" or "nicely done", they hear "How could you let that happen" and "what were you thinking?"

And yet, it is the duty of Staff and this Commission to put forth sound Planning and Zoning ordinances that support the community at large. Not only the voice of "no-growth" or "nimby-ism." The duty of these groups SHOULD be to provide an Ordinance that "supports" the naturally occurring growth of the community and economy and how to do it responsibly and sustainably. It also should be looking into the future and preparing for what is already happening, not staring in the rear view mirror hoping we don't hit that pot hole again.

It would be impossible to address everything in the NZO tonight and so I will focus on just a couple VERY IMPORTANT aspects of the NZO that I feel need attention. I will start with the easy one first:

ITEM 1 – Alterations within Setbacks – Minor Zoning Exception

In response to input by members of the local chapter of the American Institute of Architects (AIA), the NZO proposes to expand the list of improvements located in the front or interior setbacks that could be allowed by a Minor Zoning Exception reviewed by the appropriate design review body, instead of a Modification.

I won't read the list, but will comment on the next section:

Proposals for Minor Zoning Exceptions heard by the design review bodies would be subject to a noticed public hearing, ~~adjacent property owner approval~~ [STRIKE THIS], and specific findings regarding compatibility and compliance with the Good Neighbor Guidelines.

Response: We cannot give over sound design and property rights to the neighbor. This cannot be allowed. I think that the City could SUGGEST that the applicant meet with the neighbor, but as you know not all people "love thy neighbor" anymore.

Staff recommendations seem to be sufficient in terms of moving away from modifications and to a "Minor Zoning Exception" however, they should add the following to the list:

- Water heater enclosures
- A/C Condensers that do not exceed 60db as referenced in other sections of the NZO
- Alterations to existing non-conforming structures currently within the setback beyond just door/window alterations that do not encroach further. In other words, a home that was built in the 30s that is 4 feet from the property line in a 5 foot setback should be allowed to be altered under a MZE so long as it is not encroaching further into the interior lot setback.

In general, this is moving in the right direction and is consistent with one of the STATED GOALS: to provide a "streamlined review process including some decision making flexibility." This helps put the decision making into the hands of the design review board that are comprised largely of design professionals, capable of guiding this discussion. In addition, another STATED GOAL was to address "nonconforming situations and bring them into compliance to the extent feasible." This provision allows for this goal to be achieved as well.

ITEM 2 – Parking options:

Parking has to be one of the single most important issues that we deal with as design professionals in this community. In fact, in nearly the entire City outside of the CBD, "form follows parking!" The way this community was laid out and constructed over time, is one of the driving reasons why this is such an issue.

When the CBD was created, it centralized parking for the downtown area and for the most part, this has worked out. Unfortunately, however this did nothing for the rest of the community and didn't look far enough ahead to support community and market changes over time.

The current proposals before you today for review do not look far enough ahead as well. My firm has done work in over 20 cities across California and in many other states. I have personally had the opportunity to look at what other areas are doing to address growth and support sustainability. I can say, that even though Santa Barbara prides itself as the birthplace of the Environmental Movement, we are way behind what other communities are doing. Recently, I spent time in the bay area. I flew up there, took an Uber to our project site and began to take pictures. As I stood on the corner a small white bulbous car zoomed past me. Then another, and another.

Self-drive cars are coming. We are working on a project in Michigan where Ford is building a new plant for automated drive cars. With Uber and Lyft and our bikeable and walkable community, we are seeing more people commuting in various modalities besides driving, even walking. Will the car go away, no it will not, but the NZO does not provide provisions for this or address it. Many people that I know in their 20s and early 30s prefer to live downtown in more urban environments and walk to work. Some don't even purchase or want cars. And, this is our single largest workforce sector.

With respect to the parking provisions, I want to address the options before you today:

1/100 – omitted

1/125 states: The advantage of using this rate is that on average, there is expected to be limited or no increase to the on-street parking burden for new food service uses outside the CBD. The disadvantage of this rate is that the increased parking requirement would be an obstacle for existing commercial spaces (established with a 1/250 ratio) to convert to food service uses outside the CBD and shopping centers, and existing restaurants outside the CBD would likely become nonconforming to the parking requirement.

Response: *the disadvantages out-weigh the advantages here. Remember that one of the STATED GOALS was to provide a “streamlined review process including some decision making flexibility.” This only makes the analysis of an existing use challenging and will NOT stream line anything. In addition, another stated goal was to address “nonconforming situations and bring them into compliance to the extent feasible.” This again, does not meet this STATED GOAL. In fact, it creates MORE nonconforming situations for businesses that are currently conforming (as stated above). Lastly, this section states: “increased parking requirement would be an obstacle for existing commercial spaces” which contradicts the STATED GOAL to “Promote adaptive reuse of properties”*

1/100 + 1/250 states: The advantage of this option is to give more flexibility depending on the layout of the operational space. The disadvantages are that it would not fully meet the anticipated parking demand, and there would be some uncertainty of the parking requirement as it would be subject to an analysis of the floor plan, as explained below. Additionally, existing restaurants outside of the CBD would likely become nonconforming to the parking requirement. When the number of required parking spaces depends on the floor plan layout, proposals may misrepresent a larger area subject to the lower parking rate. Review of these flexible floor plans requires more analysis and negotiation between staff and the applicant, which increases uncertainty for the applicant.

Response: *disadvantages out-weigh the advantages here. Remember that one of the STATED GOALS was to provide a “streamlined review process including some decision making flexibility.” This only makes the analysis of the floor plan challenging and will NOT stream line anything. In addition, another stated goal was to address “nonconforming situations and bring them into compliance to the extent feasible.” This again, does not meet this STATED GOAL. In fact, it creates MORE nonconforming situations for businesses that are currently conforming (as stated above). In addition, this section states: “increased parking requirement would be an obstacle for existing commercial spaces” which contradicts the STATED GOAL to “Promote adaptive reuse of properties.”*

Lastly, if this were to be considered a viable option, then particular spaces should be omitted from the SF calculations [walk-in freezer/fridge, restrooms, dry storage, etc.] as these are NOT occupiable spaces and are displacement type uses within a restaurant. For example the chef leaves to get something out of the walk-in...his occupancy is moved from one space to another...not added up collectively.

1/150 states: The disadvantages are that 1/150 would not meet the average parking demand for food service uses, and that existing restaurants outside the CBD would likely become nonconforming to the parking requirement.

Response: *One of the STATED GOALS was to address "nonconforming situations and bring them into compliance to the extent feasible." This again, does not meet this STATED GOAL. In fact, it creates MORE nonconforming situations for businesses that are currently conforming (as stated above). In addition, this section states: "increased parking requirement would be an obstacle for existing commercial spaces" which contradicts the STATED GOAL to "Promote adaptive reuse of properties."*

Lastly, if this were to be considered a viable option, then particular spaces should be omitted from the SF calculations [walk-in freezer/fridge, restrooms, dry storage, etc.] as these are NOT occupiable spaces and are displacement type uses within a restaurant. For example the chef leaves to get something out of the walk-in...his occupancy is moved from one space to another...not added up collectively.

1/250 states: The advantage of this ratio is that it would encourage adaptive reuse of existing commercial buildings outside the CBD, because it would allow a fluid exchange of allowable land uses in existing buildings, since most commercial other uses require a 1/250 parking ratio. Additionally, this option would not create new parking nonconformities for those uses. The disadvantage is that because this option would allow most existing commercial tenant spaces outside the CBD to be converted to food service uses without providing additional parking, it is the most likely of all options to increase the burden on the on-street parking supply

Response: *This is the only that actually is consistent with the STATED GOALS of the NZO Project and the advantages outweigh the disadvantages. Remember that one of the STATED GOALS was to address "nonconforming situations and bring them into compliance to the extent feasible." This does meet this STATED GOAL. In addition, it would address another one of the STATED GOALS to "Promote adaptive reuse of properties." Given the existing commercial stock in this City and the cost of land, adaptive reuse is critical to meet the ongoing change of tenants and uses as areas transition and evolve.*

Any decision more stringent than the 1/250 will be in direct conflict with sound planning and the STATED GOALS of this effort. It will NOT "Promote Adaptive Reuse project" and will stifle progress in areas that are transitioning and/or will in the future. Areas like the Funk Zone, the Haley Corridor, Milpas Street and other interstitial neighborhoods outside of the CBD all need appropriate parking ratios. Adaptive Reuse is one of the most sustainable solutions that we can use. Rather than destroy old buildings and build new, embrace the existing fabric and improve it for many years and generations to come.

ITEM 3 – Parking Credits:

28.47.020 (B) (2) (b) Change of use

Industrial Uses in the M-C, M-I, CO-MI, and CO-CAR Zones. In the M-C, M-I, CO-MI, and CO-CAR Zones, when an industrial land use is changed to another land use that requires more parking spaces under this Chapter than are required for the existing use, automobile parking in conformity with this Chapter shall be provided for all new and existing land uses on-site.

Non-Industrial Uses in the M-C, M-I, CO-MI, and CO-CAR Zones and All Uses in Other Zones.

For all uses in all zones except as provided for industrial uses in certain zones above, when an existing land use is changed to another land use that requires more parking spaces under this Chapter than are required for the existing use, additional automobile parking in an amount equal to the number of parking spaces required pursuant to this Chapter for the proposed development less the number of parking spaces required for the existing development, shall be provided in conformity with this Chapter.

Response: *This will be extremely detrimental to Adaptive Re-use concepts and projects. This requirement will impede changes of tenants in old buildings, which contradicts the STATED GOAL to "Promote adaptive reuse of properties." In NO way does this help our situation here and support the goals of the NZO.*

We know that the Coastal Commission process is tough to get a CBD plan approved in the Funk Zone, but why not consider Centralized Parking [THAT ALREADY EXISTS] to lessen the burden on property owners and small businesses. The Funk Zone, for example, has many parking lots within and adjacent. Why not use those to provide benefit? The City constantly says "no" to these ideas without full examination. Nearly every beach city in this state has a progressive Centralized Parking solution and vibrant waterfront experience. We do not.

ITEM 4 – Small Lots:

This NZO does not specifically address the many lots on the west and east side of the city that are 5,000SF lots. These small lots make up a lot of our housing stock in the downtown area. Provisions have been removed for these small lots in the R-2 Zone. It only speaks to 6,000SF lots. This NZO does not adequately address this as the past ordinance had provisions that helped these small lots expand and add second units.

ITEM 5 – Diagrams:

I have reviewed the diagrams provided last week prior to the past hearing. While they do a decent job at helping people navigate the ordinance text, there are some very concerning diagrams that correlate to the text. As someone who practices architecture and has to use this document ongoingly, many (in my opinion) need to be altered to align better with the practice.

In conclusion, you have a challenge before you. I am one voice and there are many others. Rather than listen to each end of the spectrum and vote down the middle, I urge you (or dare you) to bring leadership forward and make some decisions that may be unpopular, but support the

inherent growth of our community. Let's grow responsibly and nurture our small businesses that are homegrown (like mine). Let's stop looking backward and let's look forward. Let's not make our regulation so burdensome to the applicant that they have no other choice than to ask for forgiveness instead of permission.

You have an opportunity to impact the next 20-30 years potentially with Policy. Do not make mistakes here tonight that negatively impact us for generations to come. Side on smart growth. Side on the FUTURE of SB, not trying to correct the past and an insufficient ordinance.

Thank you,

A handwritten signature in black ink, appearing to read 'Clay Aurell'.

Clay Aurell, AIA, LEED AP, NCARB
Co-Founder AB design studio, inc.
2016 AIA President



City of Santa Barbara
Community Development Department

Memorandum

RECEIVED
MAR 09 2017

CITY OF SANTA BARBARA
PLANNING DIVISION

DATE: March 1, 2013

TO: Planning Commission

FROM: Danny Kato, Senior Planner
Marck Aguilar, Project Planner *[Signature]*

SUBJECT: Draft New Zoning Ordinance (NZO) – Supporting Diagrams

Attached are the diagrams ("Figures") proposed for inclusion in the NZO. The current Draft NZO includes Figure placeholders. Each figure is identified with a corresponding NZO section and page number (e.g. "III-81" for Division III, page 81). These will be incorporated into the document in the draft prepared for the Ordinance Committee.

Attachment: Draft New Zoning Ordinance Figures

Santa Barbara New Zoning Ordinance
Public Review Draft
List of Figures

February 2017

Note: Figures in *italics* can be found within the Draft New Zoning Ordinance dated February 2017

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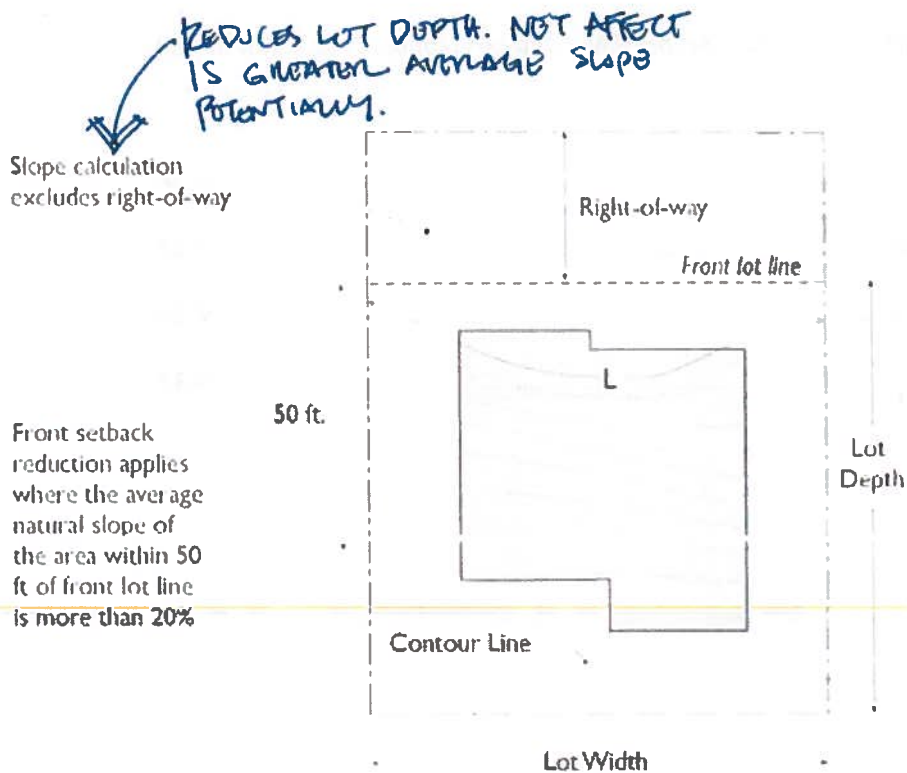
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$$S = .00229(I)(L)/A$$

S = Average Slope

A = Subject Area (in acres)

L = Total Length of All Contour Lines
Within Subject Area

I = Contour Interval (difference in
elevation between contour lines)
Maximum 5 ft. intervals

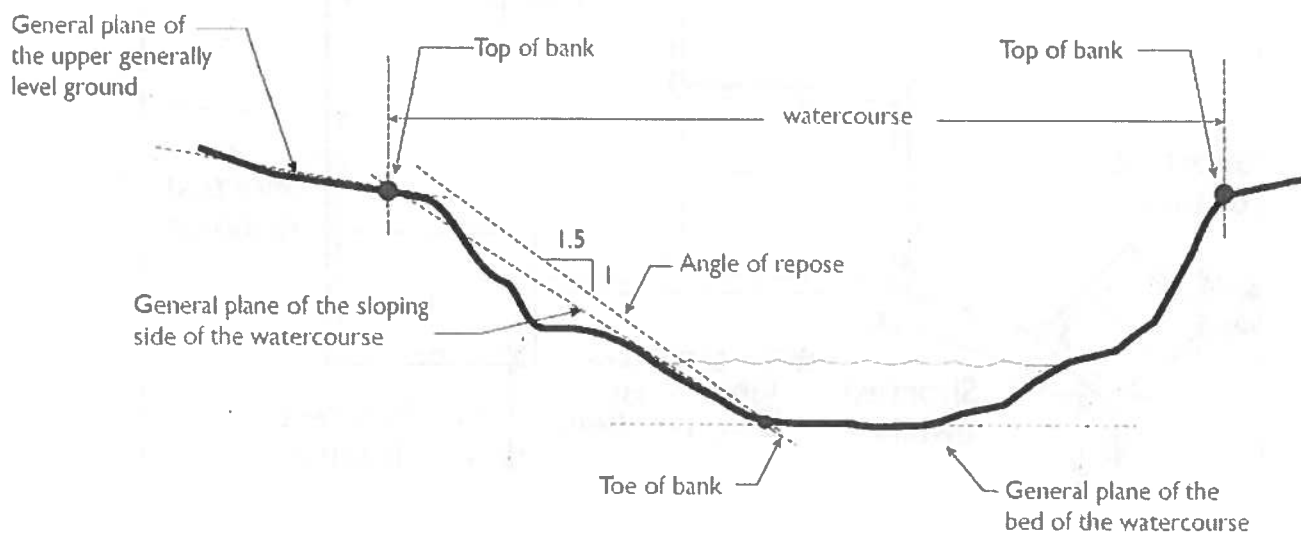
KEY

- Property Line
- - - Lot Line
- Building Footprint

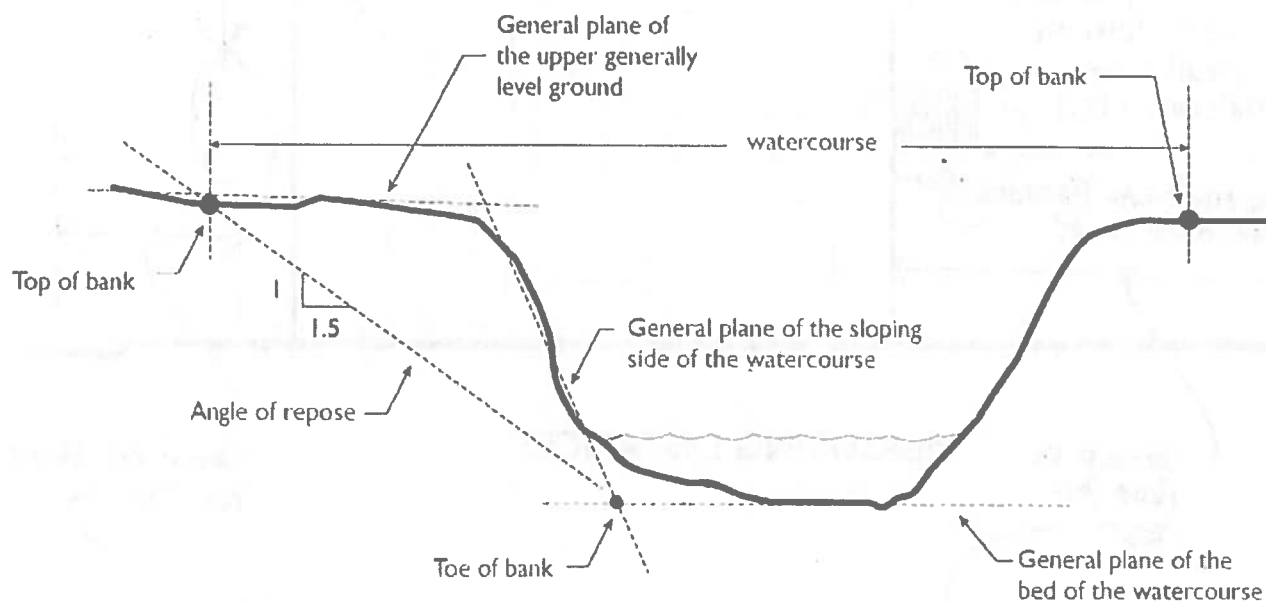
DETERMINING AVERAGE SLOPE

Figure 28.04.040(A): Determining Top of Bank (p. I-11)

DETERMINING TOP OF BANK WHERE GENERAL PLANE OF SLOPING SIDE OF WATERCOURSE IS LESS THAN OR EQUAL TO 1.5 (HORIZONTAL) : 1 (VERTICAL).

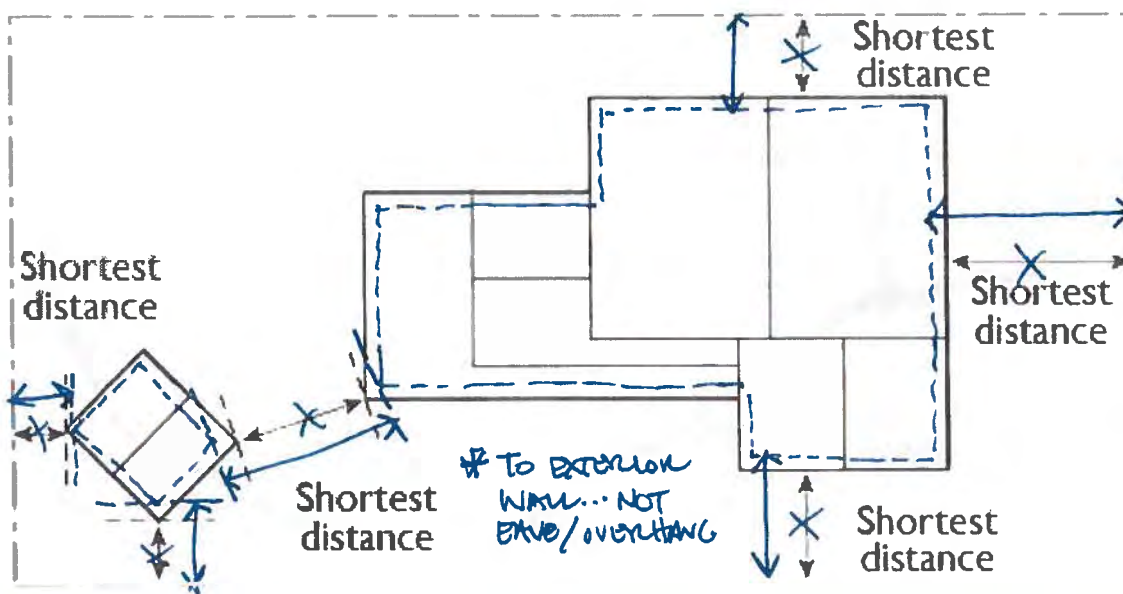


DETERMINING TOP OF BANK WHERE GENERAL PLANE OF SLOPING SIDE OF WATERCOURSE IS GREATER THAN 1.5 (HORIZONTAL) : 1 (VERTICAL).



DETERMINING TOP OF BANK

Figure 28.04.060(A), (B), and (C): Measuring Distances (p. I-11)



MEASURING DISTANCES

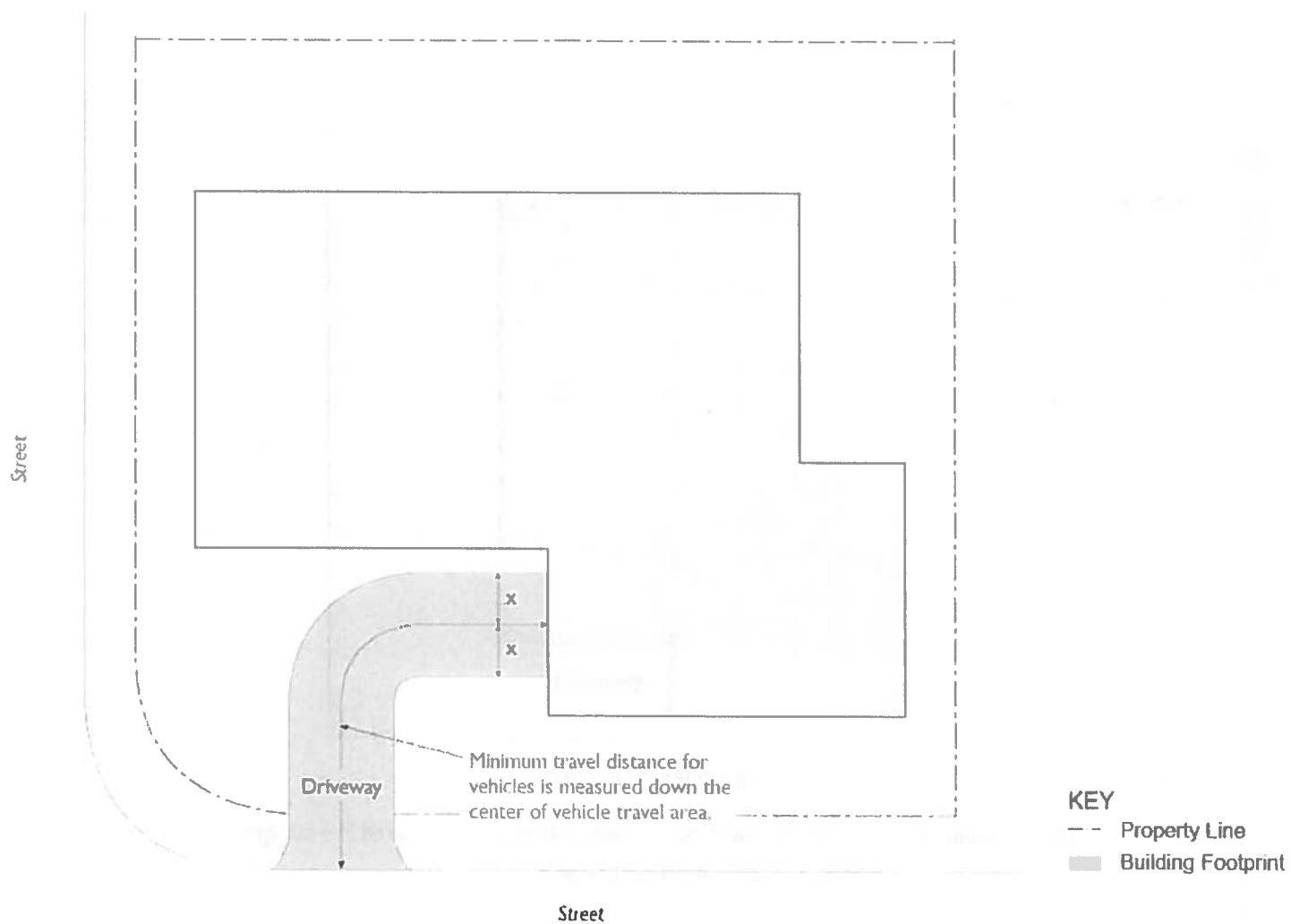
Should Be Here per Text

Should Be Here per Text

"...MEASUREMENTS ARE MADE TO THE CLOSEST EXTERIOR WALL OR EXTERIOR ELEMENT OF STRUCTURE."
 ↑ STRIKE THROUGH.

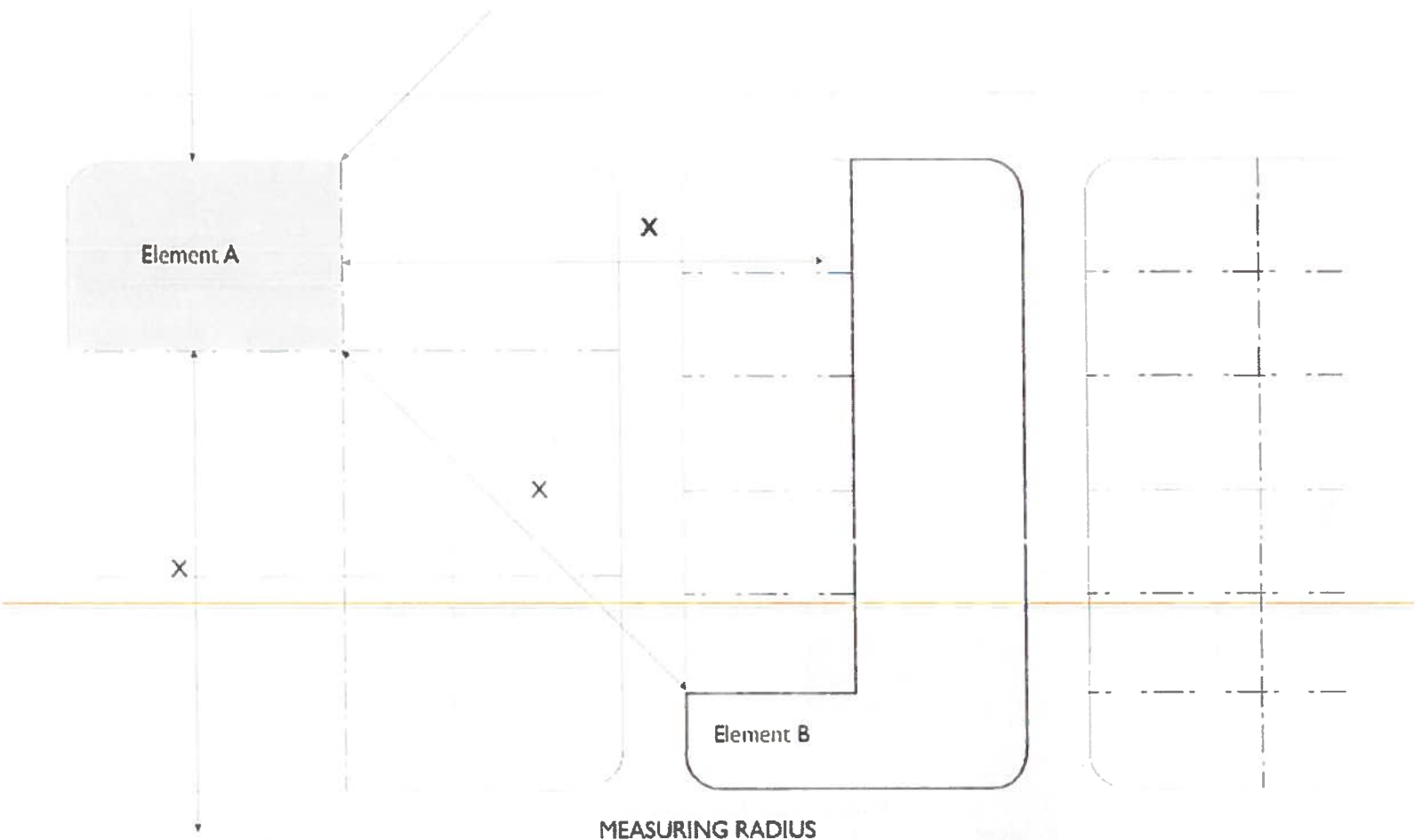
EAVES & BALCONIES CAN EXTEND PER 28.46.100 (C)(1) & (C)(2)

Figure 28.04.060(D): Measuring Travel Areas (p. I-12)



MEASURING TRAVEL AREAS

Figure 28.04.060(E): Measuring Radius (p. I-12)



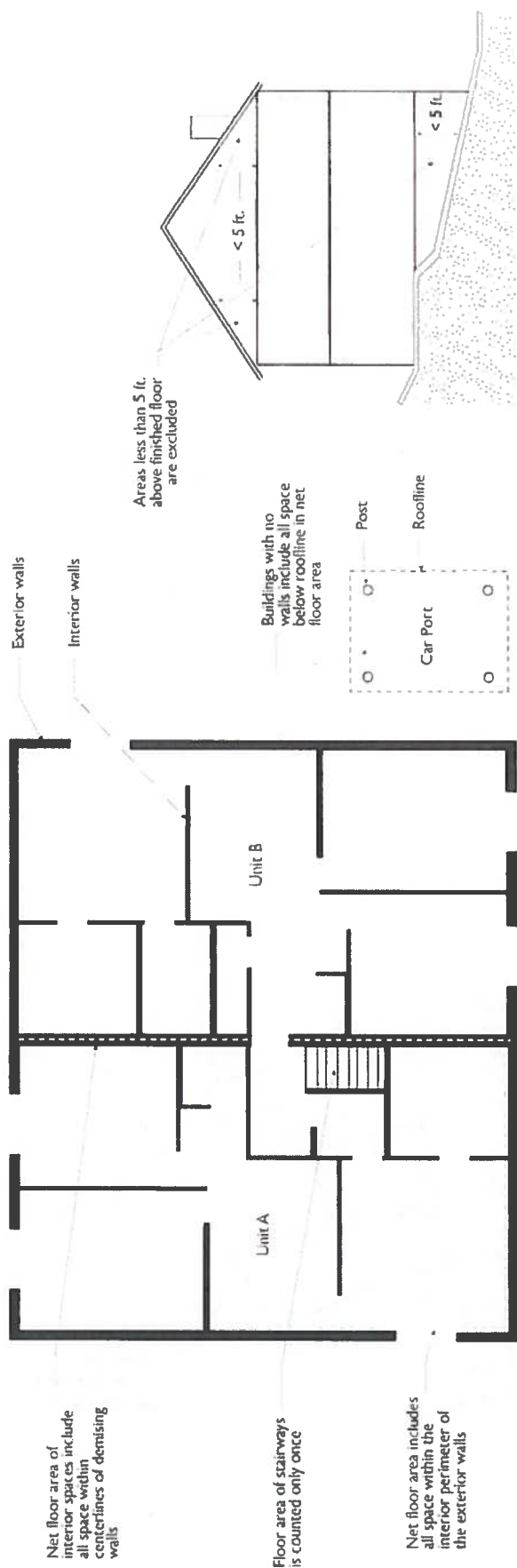
MEASURING RADIUS

The minimum distance from one specified element to another is measured in a straight line.

X = Minimum Distance

* DOESN'T POINT TO TEXT.

Figure 28.04.070: Measuring Floor Area (p. I-13)



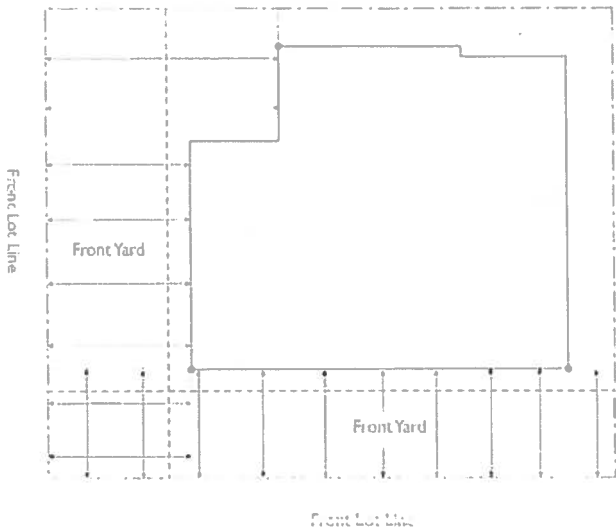
MEASURING FLOOR AREA

Handwritten notes:
 - Not what I thought it was
 - Not what I thought it was

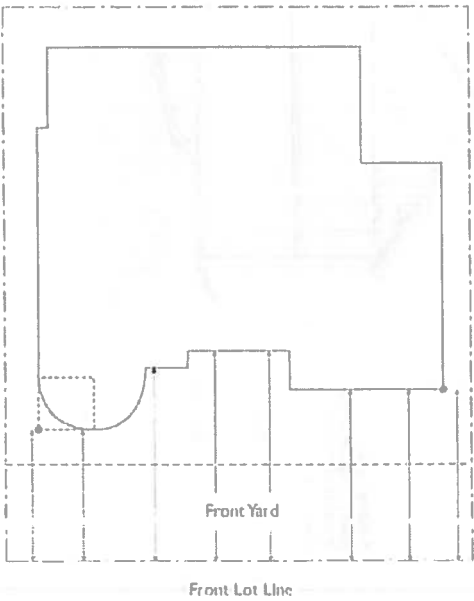
Figure 28.04.080: Measuring Front Yards (p. I-13)

MEASURING FRONT YARDS

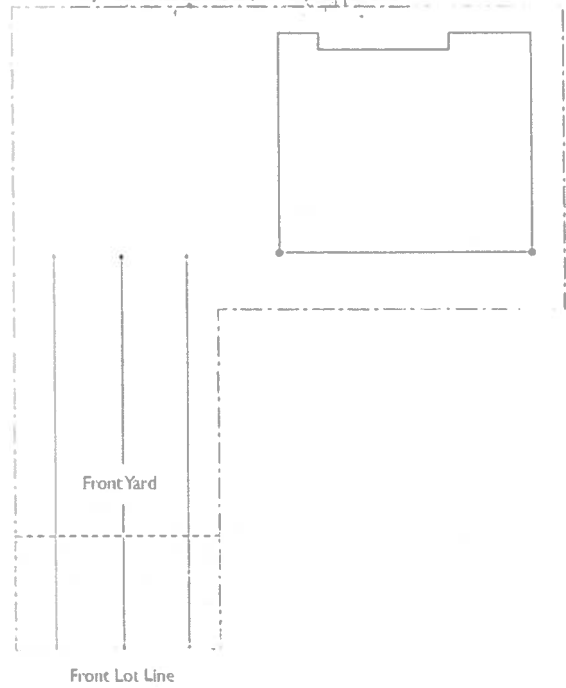
TWO FRONT YARDS



ROUNDED CORNER ON FRONT ELEVATION



FLAG LOT

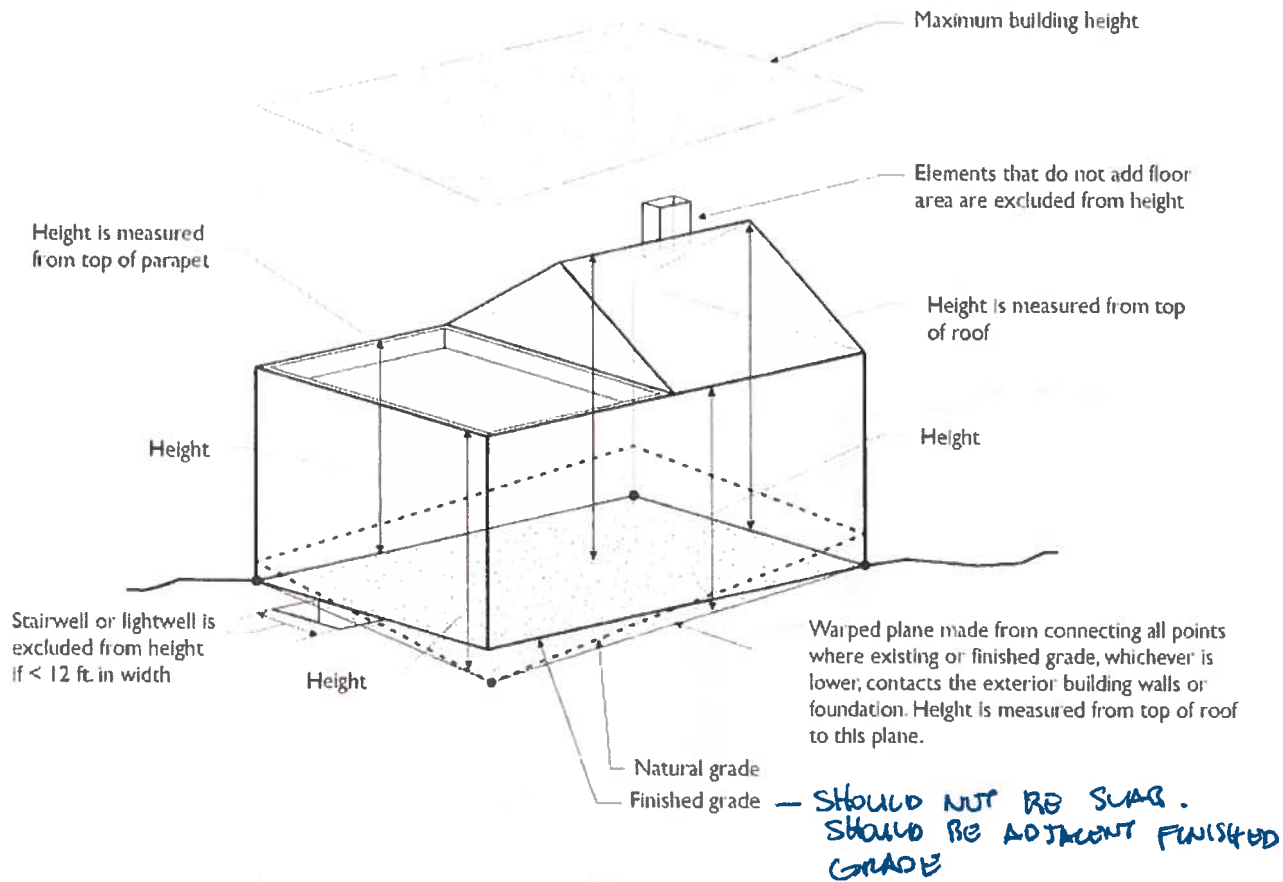


CUL DE SAC LOT

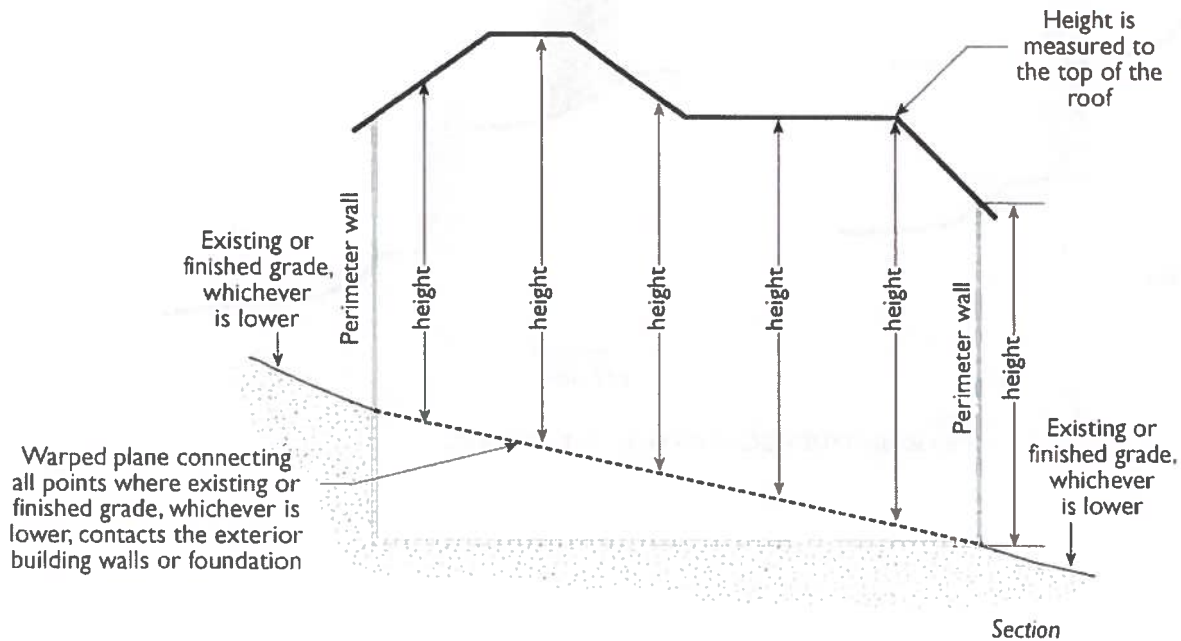


- KEY
- Property Line
 - Setback Line
 - Front Yard Boundary
 - Building Footprint

Figure 28.04.090(A): Measuring Building Height (p. I-14)

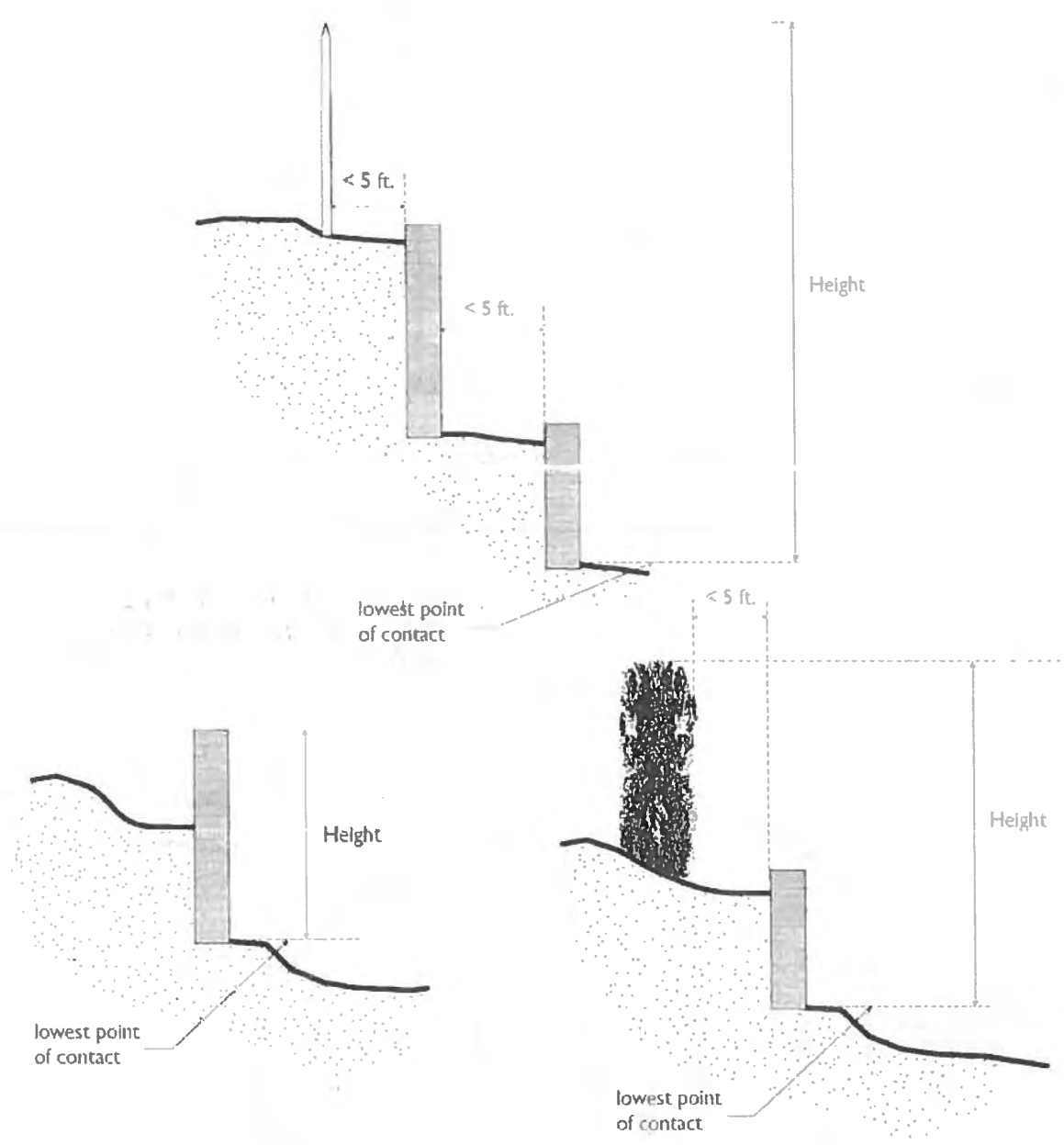


MEASURING BUILDING HEIGHT



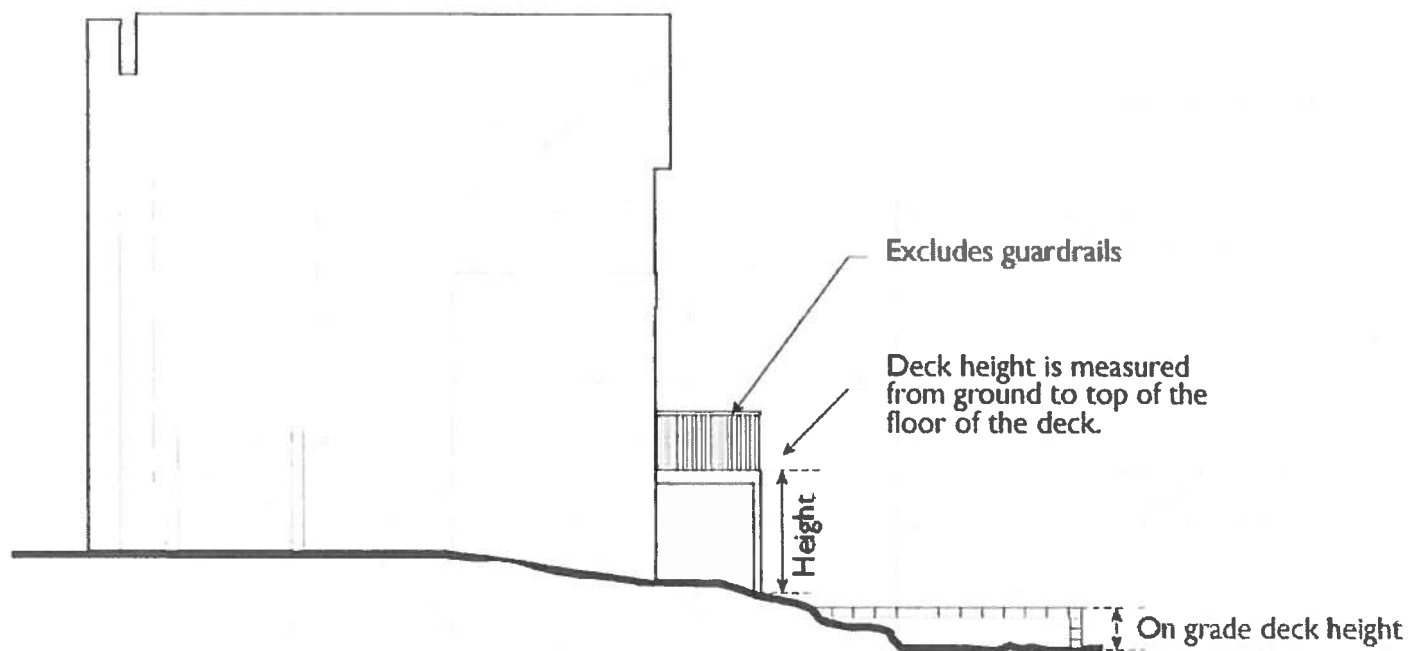
MEASURING BUILDING HEIGHT

Figure 28.04.090(B): Measuring the Height of Fences and Hedges (p. I-14)



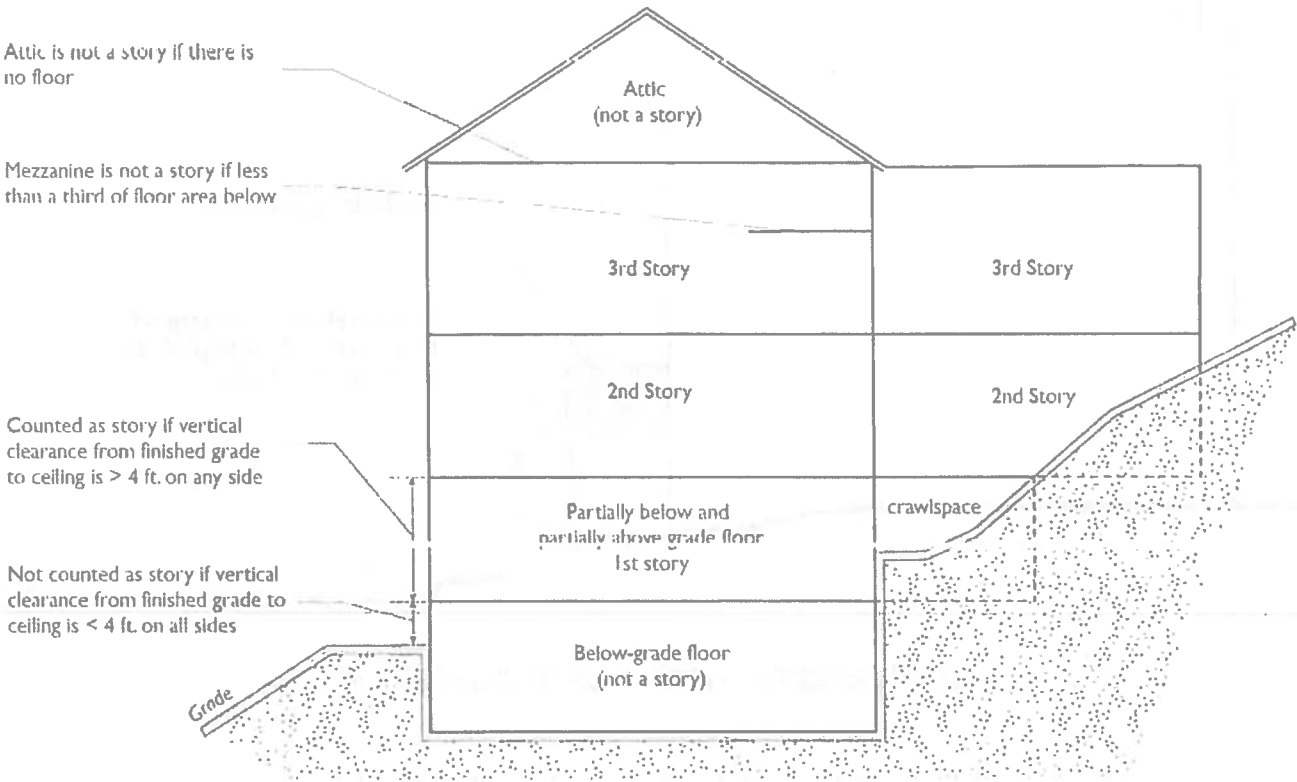
MEASURING THE HEIGHT OF FENCES AND HEDGES

Figure 28.04.090(D): Measuring Height of Decks and Patios (p. I-14)



MEASURING THE HEIGHT OF DECKS AND PATIOS

Figure 28.04.090(E): Determining the Number of Stories (p. I-15)



DETERMINING THE NUMBER OF STORIES

Figure 28.04.100: Measuring Setbacks (p. I-15)

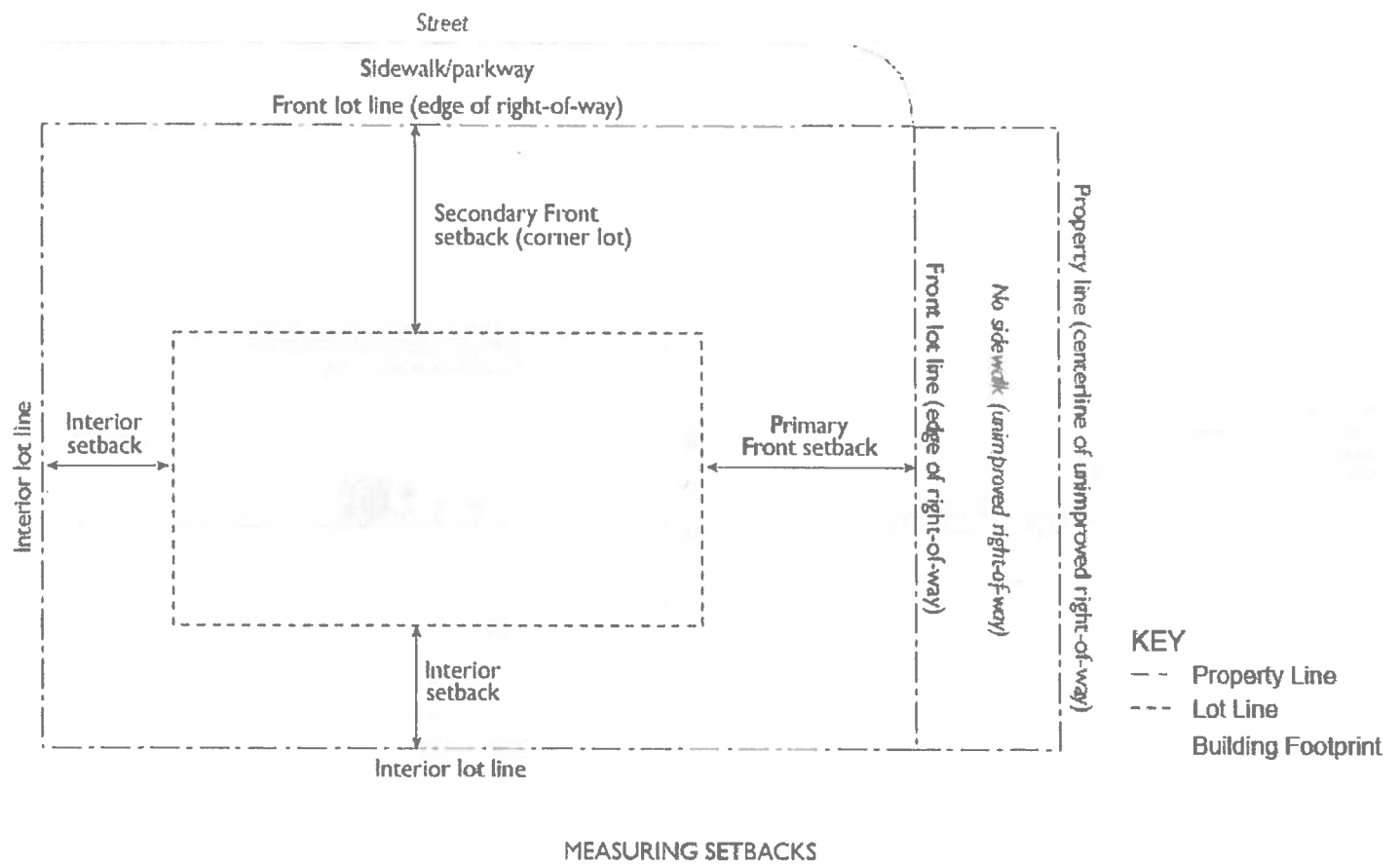


Figure 28.04.120: Screening (p. I-15)

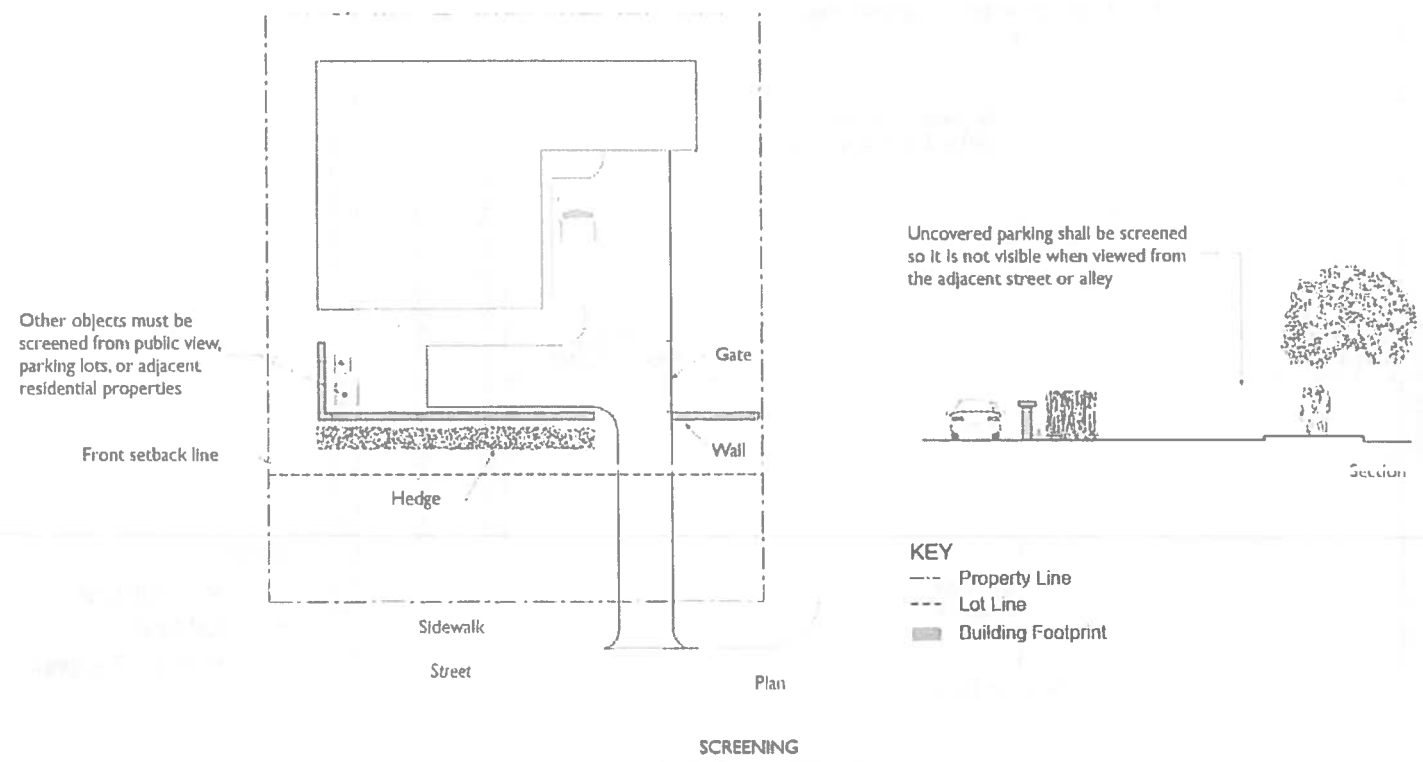
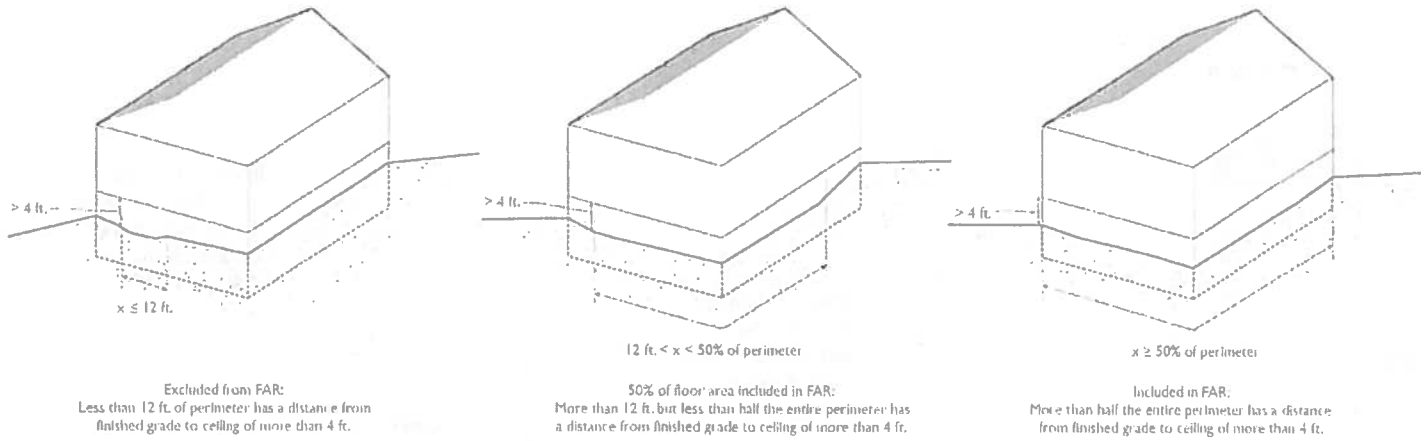
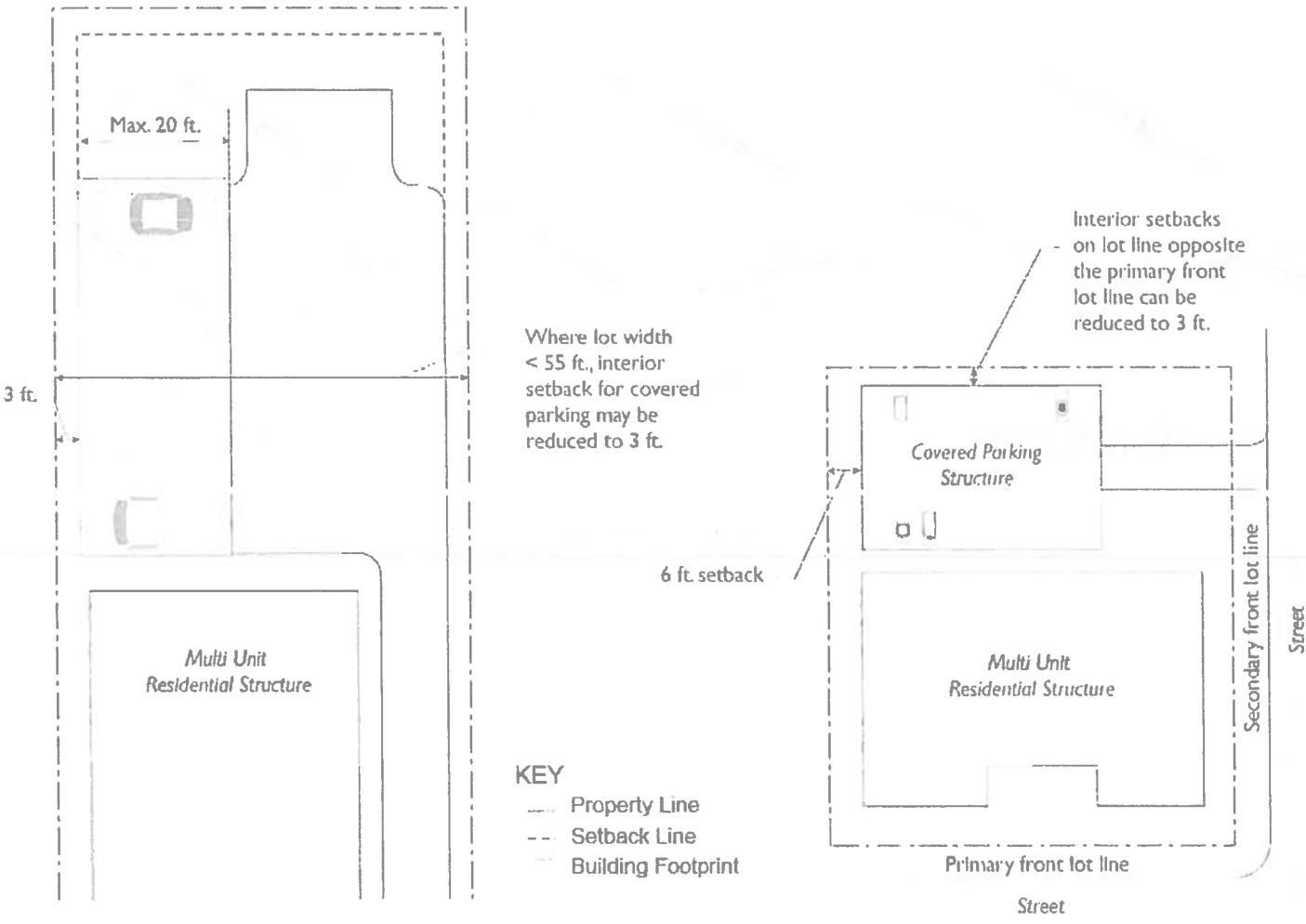


Figure 28.07.030(A)(2): Measuring Floor Area Pursuant to Section 28.07.030(A) (p. II-11)



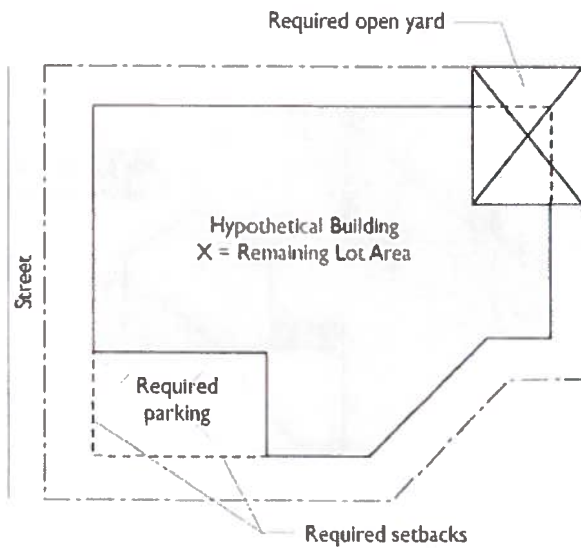
MEASURING FLOOR AREA PURSUANT TO THIS SECTION

Figure 28.07.030(C) and (D): Interior Setback Reduction for Covered Parking (p. II-12)

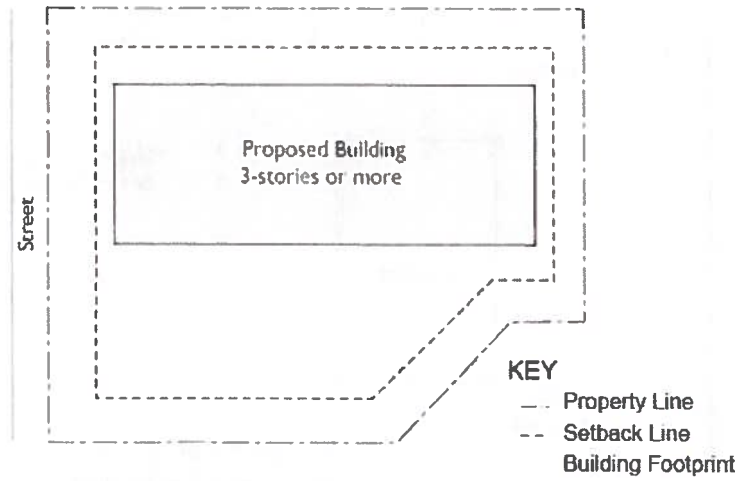


INTERIOR SETBACK REDUCTION FOR COVERED PARKING

Figure 28.23.030(B): Maximum Floor Area, USS Overlay Zone (p. II-80)



Maximum Floor Area for hypothetical 2-story building = $2X$

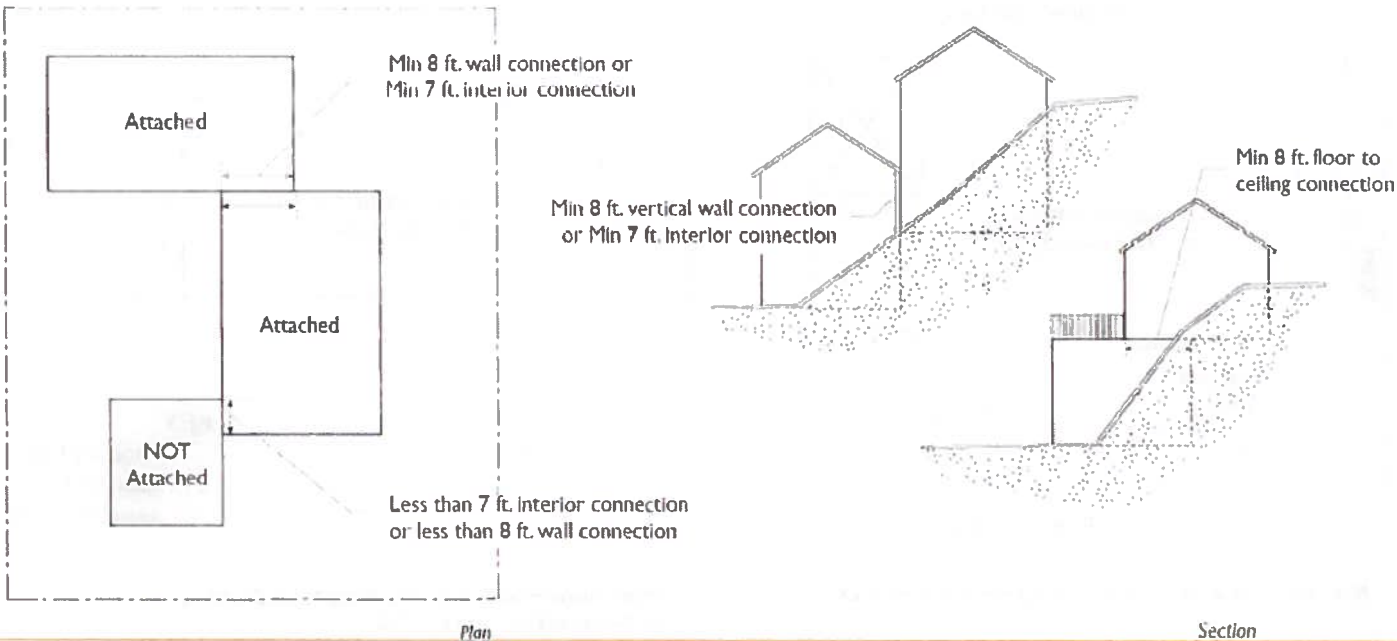


Maximum Floor Area for Proposed Building of 3-stories or more = $2X$

USS OVERLAY ZONE — MAXIMUM FLOOR AREA

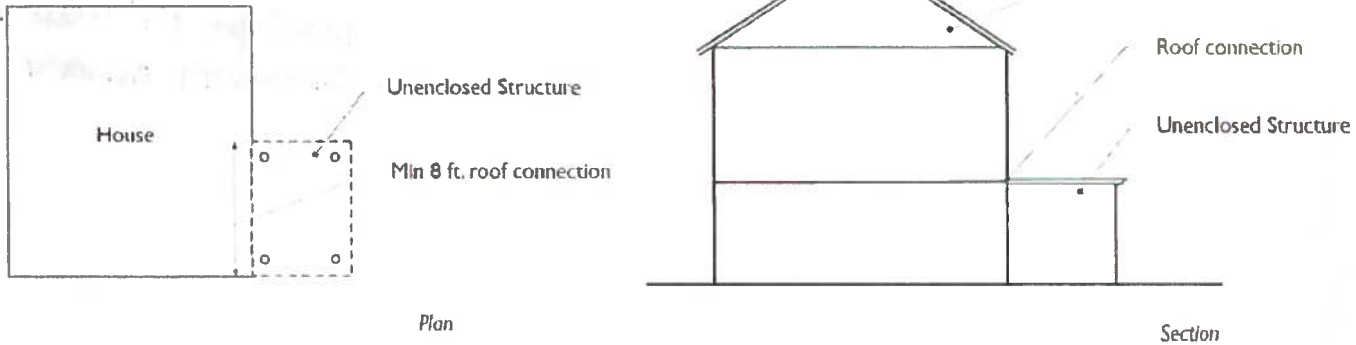
↑ Incomplete & Confusing Diagram. Also, why are we further reducing allowable SF "beyond measure 'E'" what about community benefit projects?

Figure 28.40.030: Building Attachment (p. III-3)



MINIMUM CONNECTIONS - ENCLOSED BUILDINGS

* BOTH OF THESE ARE INCONSISTENT WITH CAL. BUILDING CODE REQ.

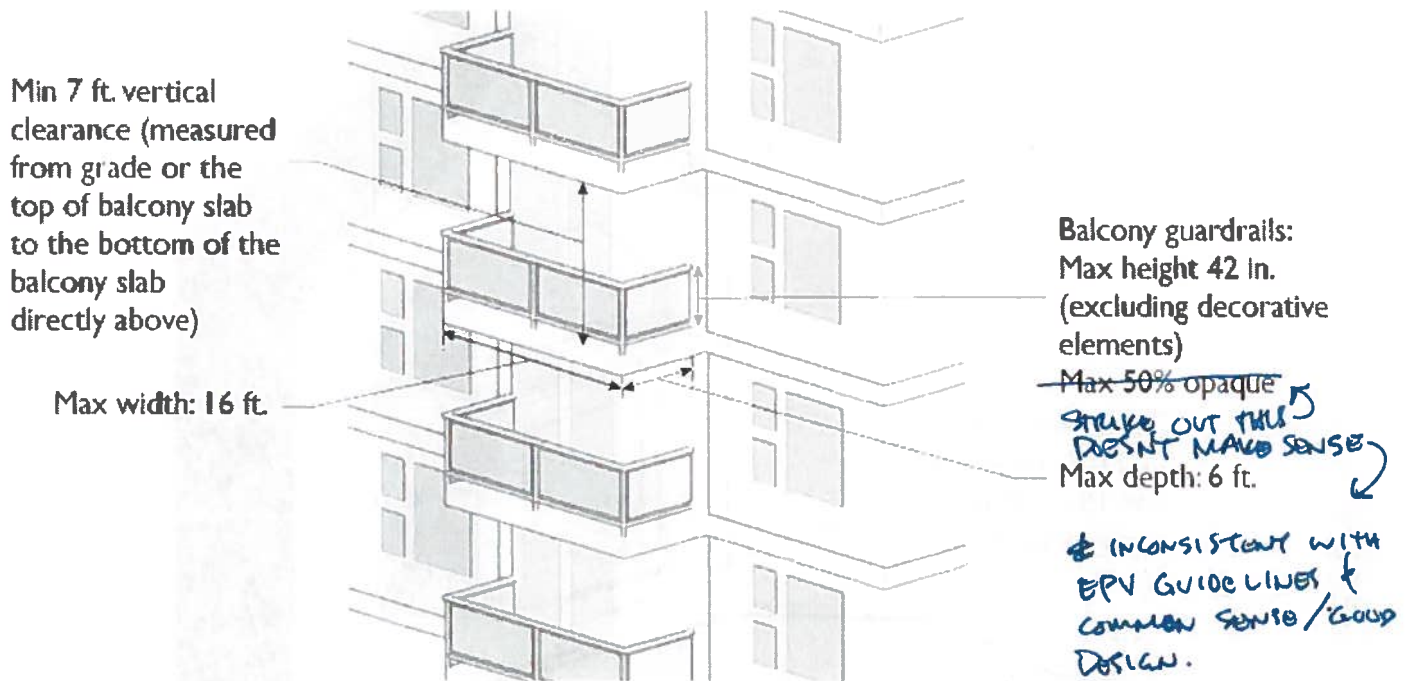


MINIMUM CONNECTIONS - UNENCLOSED STRUCTURES

BUILDING ATTACHMENT

PURPOSE??

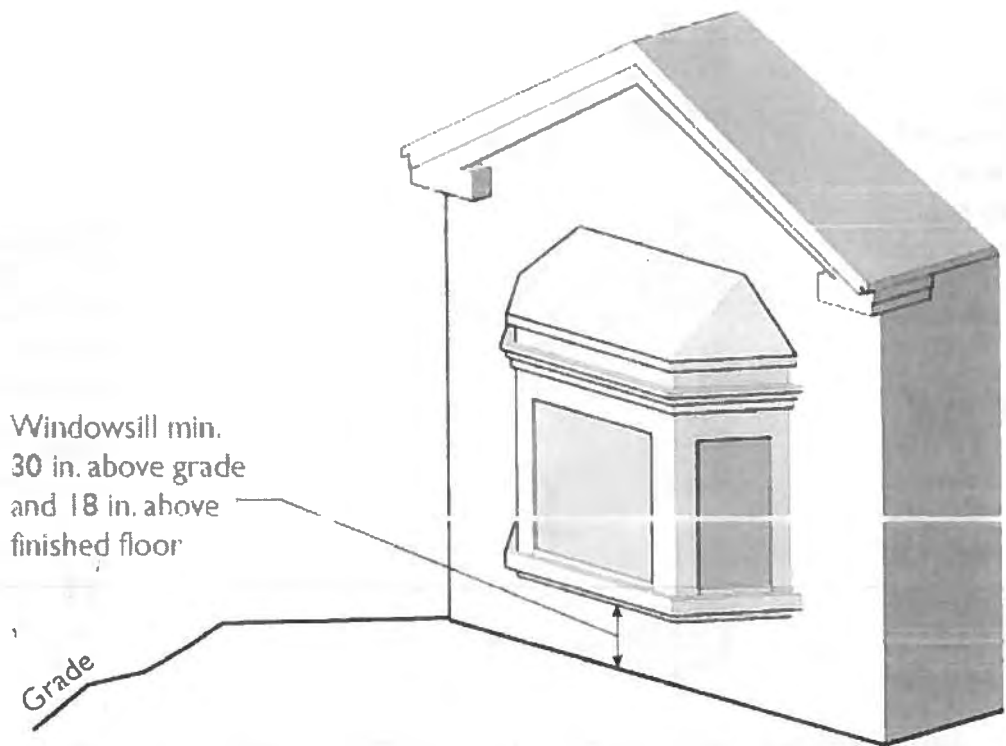
Figure 28.40.100(C)(2): Balcony and Upper Story Deck Encroachments (p. III-9)



BALCONY AND UPPER STORY DECK ENCROACHMENTS DETAIL

* 28.40.100 (c) (1) CONTRADICTS DIAGRAMS FOR 28.04.060 (A), (B)/(C)
FOR "MEASURING DISTANCES"

Figure 28.40.100(C)(3): Bay Window Encroachments (p. III-9)



BAY WINDOW ENCROACHMENTS DETAIL

Figure 28.40.100(C)(6): Landings and Outside Steps Encroachments (p. III-12)

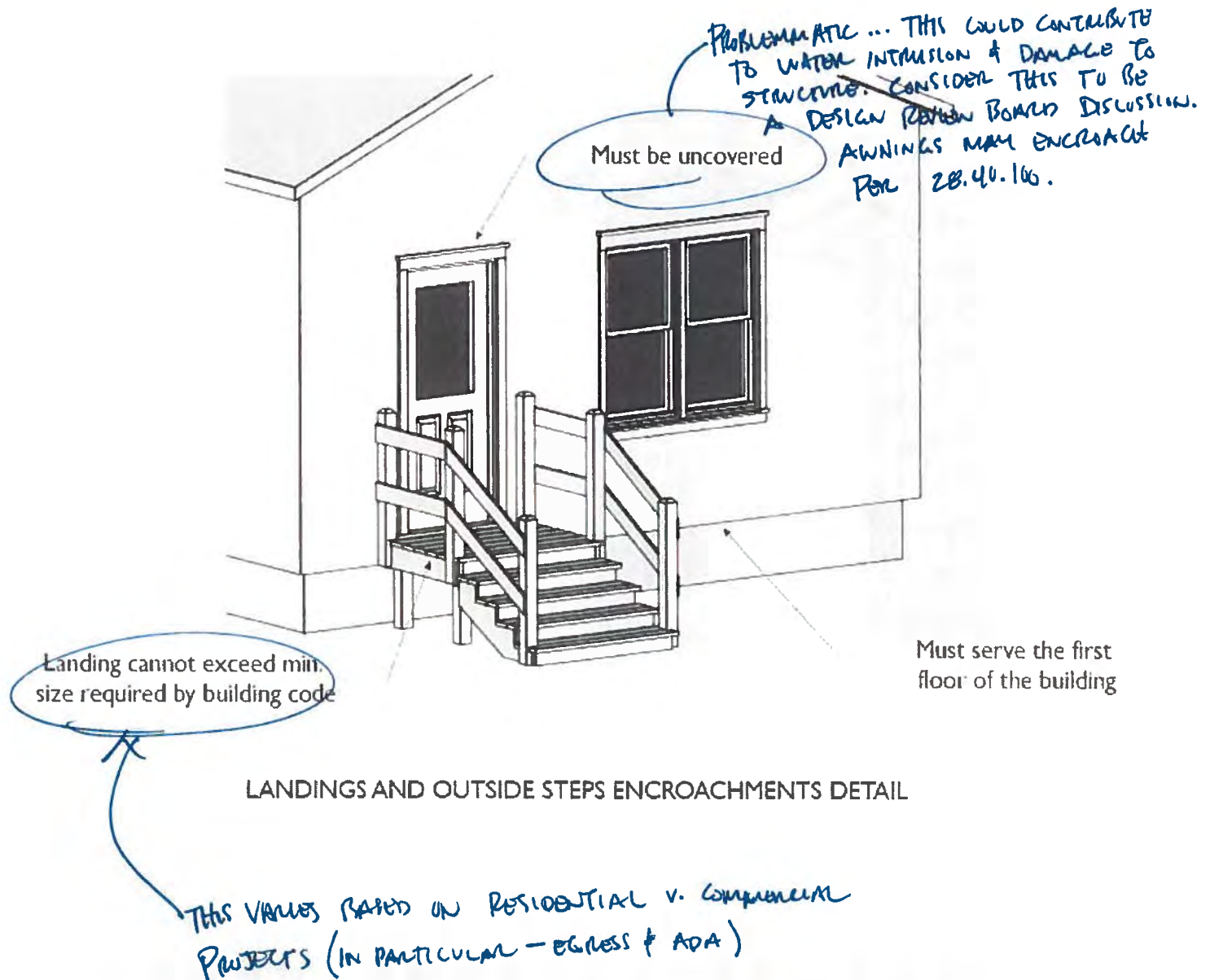
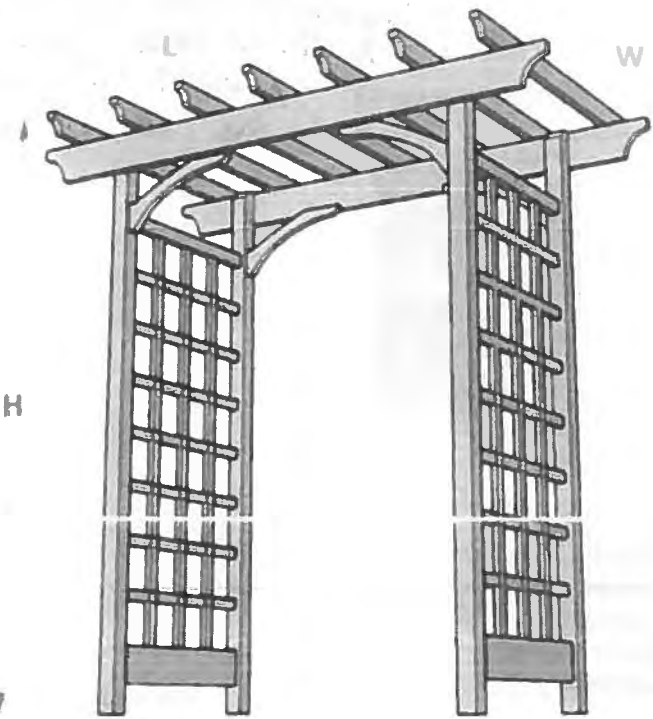


Figure 28.40.100(C)(11): Trellis Encroachments (p. III-10)



Plan View

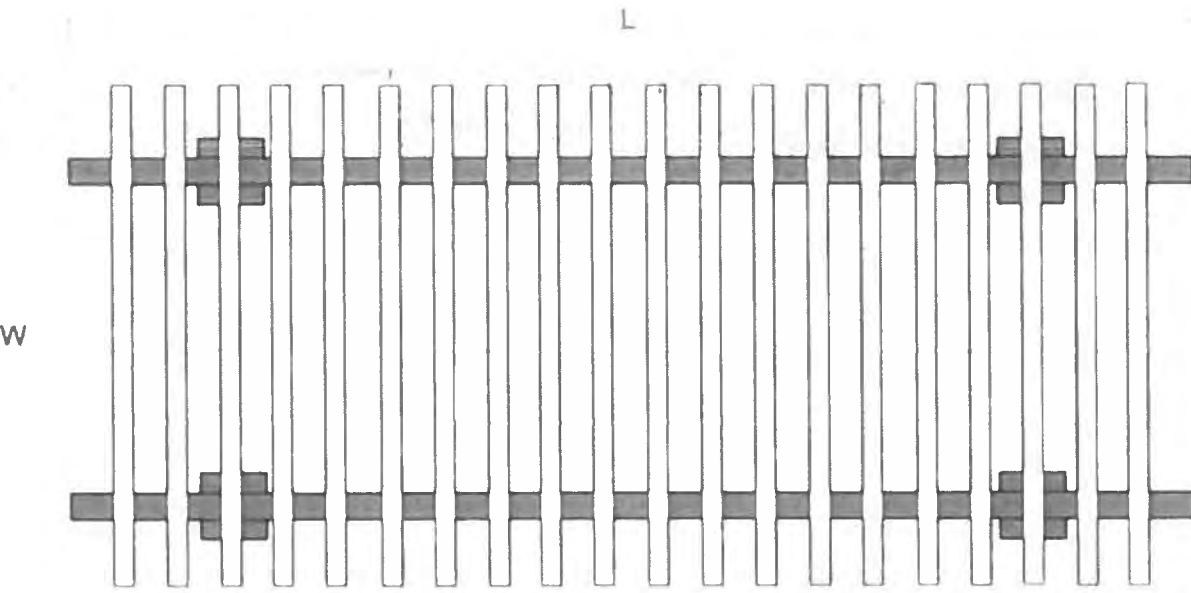
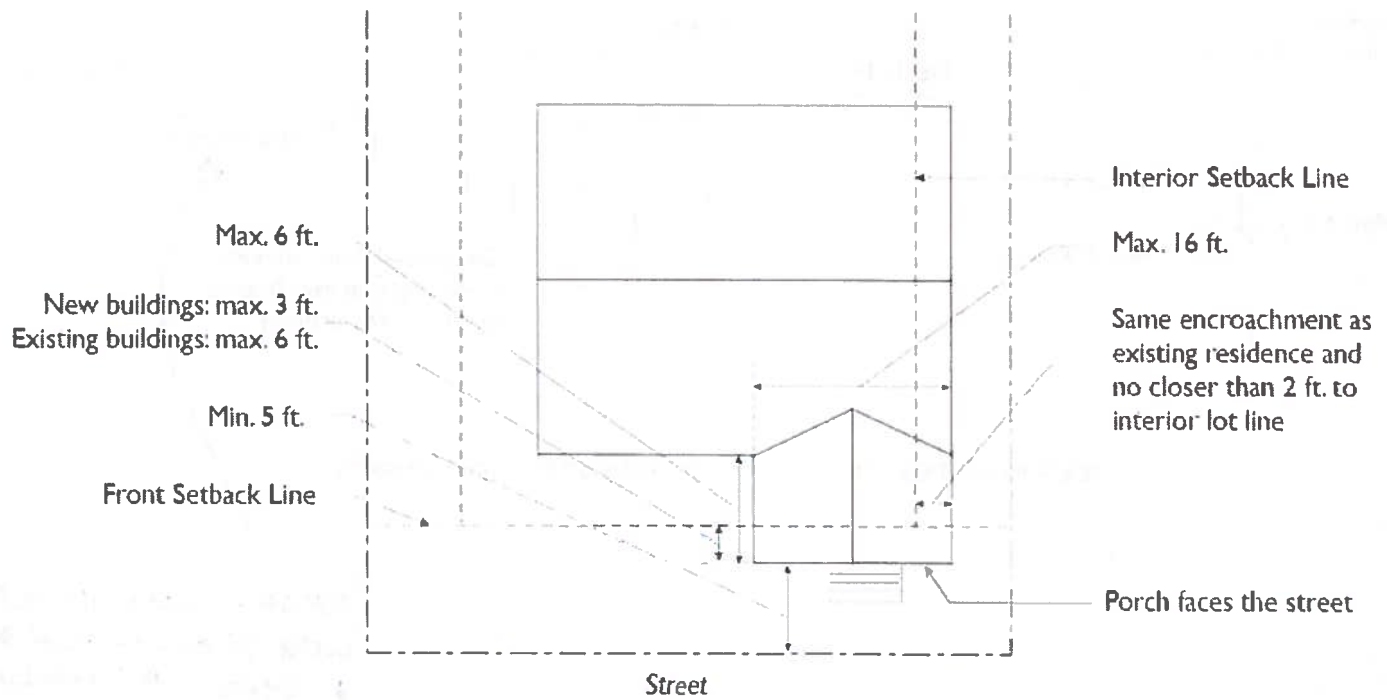


Figure 28.40.100(D)(6): Porches and Outside Step Encroachments (p. III-12)

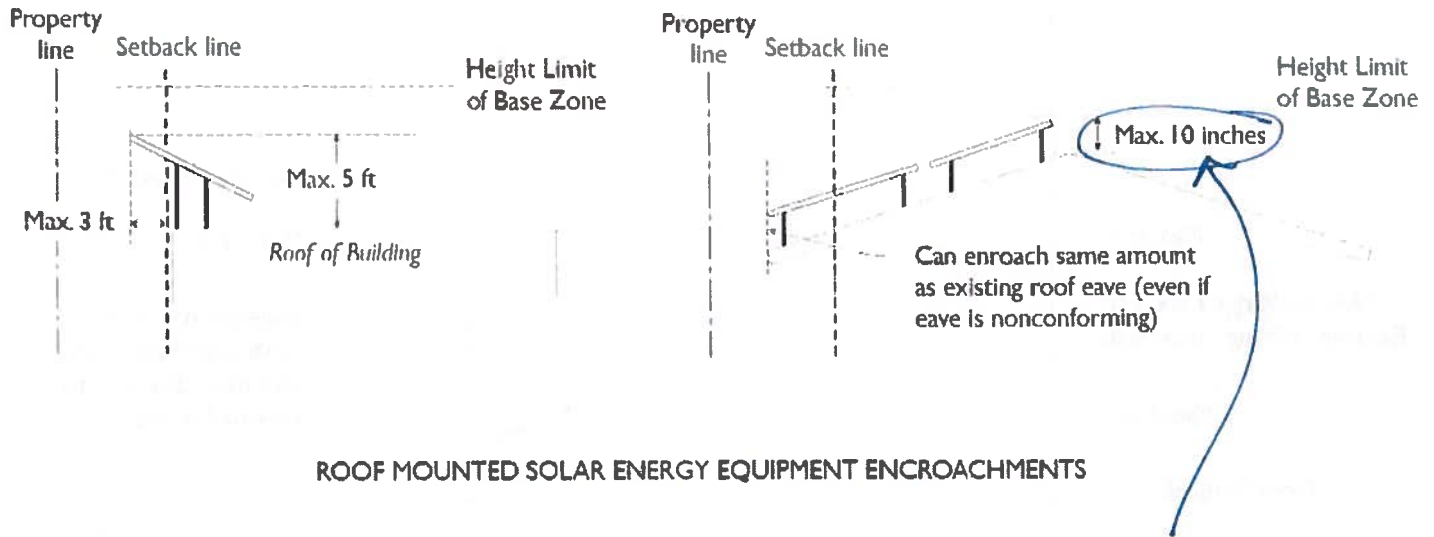


PORCHES AND OUTSIDE STEP ENCROACHMENTS

* 28.40.100 (D)(1): ACCESSIBILITY IMPROVEMENTS — APPLICABILITY OF THIS NEEDS WORK.

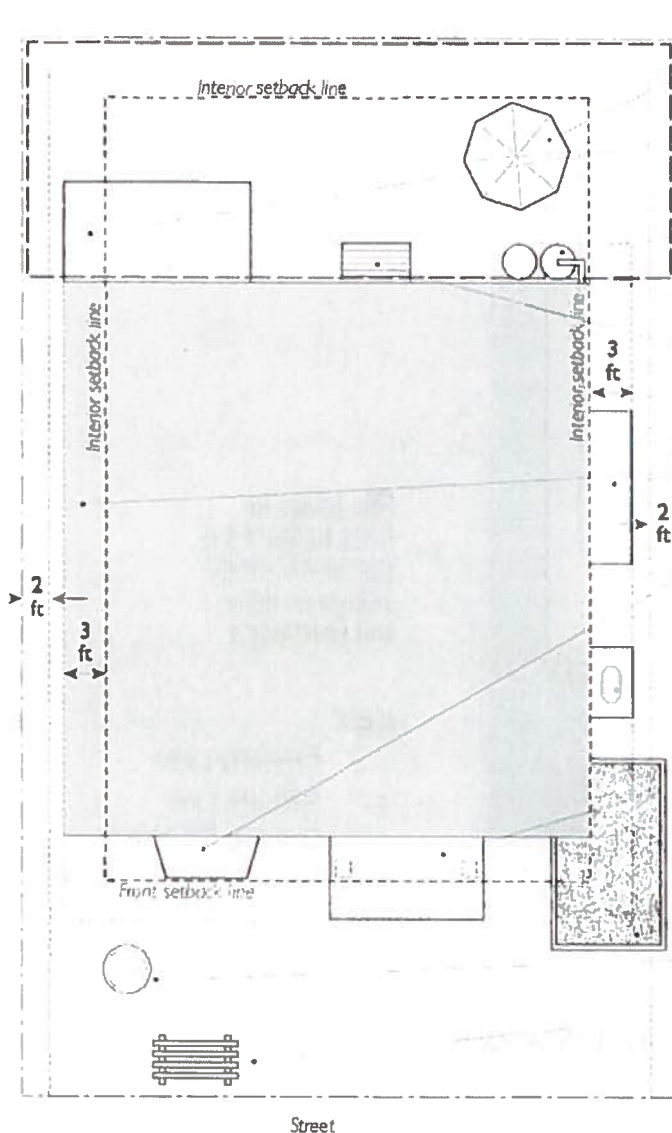
* 28.40.100 (D)(2)(b): STRIKE SECTION "REQUIRING" NEIGHBORS APPROVAL OF DECK ENCROACHMENT.

Figure 28.40.100(D)(8): Roof Mounted Solar Energy Equipment Encroachment (p. III-13)



REMOVE. MAY INTERFERE
WITH SOLAR DESIGN REG.
& STATE LAW MANDATES
THAT SOLAR SHOULD BE
ALLOWED BY RIGHT.
THIS IMPOSES LEGISL-
ATION THAT CONFLICTS
WITH SOLAR PROGRAM
@ STATE LEVEL

Figure 28.40.100: Encroachments (p. III-13)



Boundary of required open yard area

Outdoor amenities (gazebo, hot tub, patio cover, etc.):

Max. 20% of required open yard area

First story decks max. 18 in above existing grade with Minor Zoning Exception:

Max. 3 ft into any interior setback

Min. 2 ft from any property line

Rain barrels and cisterns ≤ 1,000 gallons:

Max. 3 ft into any setback or open yard except private open yard

Min. 2 ft from any property line

Max. 6 ft in height

Landings and outside steps serving

first floor of building:

Max. 3 ft into any setback or open yard except private open yard

Min. 2 ft from any property line

Architectural projections (awnings, cornices, eaves, canopies, etc.):

Max. 3 ft into any setback or open yard

Min. 2 ft from any property line

Bay windows:

Max. 3 ft into any setback or open yard except private open yard

Min. 2 ft from any property line

*see Figure 28.40.100(C)(3)

Chimneys:

Max. 3 ft into any setback or open yard except private open yard

Min. 2 ft from any property line

Balconies and upper-story decks (within front setback only), max. 6 ft x 16 ft:

Max. 3 ft into open yard or front setback

Min. 2 ft from property lines

* Supports may not be within setback

*see Figure 28.40.100(C)(2)

Planter beds with walls max. 42 inches in height: any setback or open yard

Yard ornaments (bird bath, bench, etc.):

Max. 50 sq ft in front setback

Trellis, max. 9 ft in height and max. 18 sq ft:
any setback or open yard, one per lot line

KEY

- Property Line
- - Setback Line
- ▨ Building Footprint

ENCROACHMENTS INTO SETBACKS AND OPEN YARDS

Figure 28.40.120(D)(1): Fence and Wall Height Limitations (p. III-15)

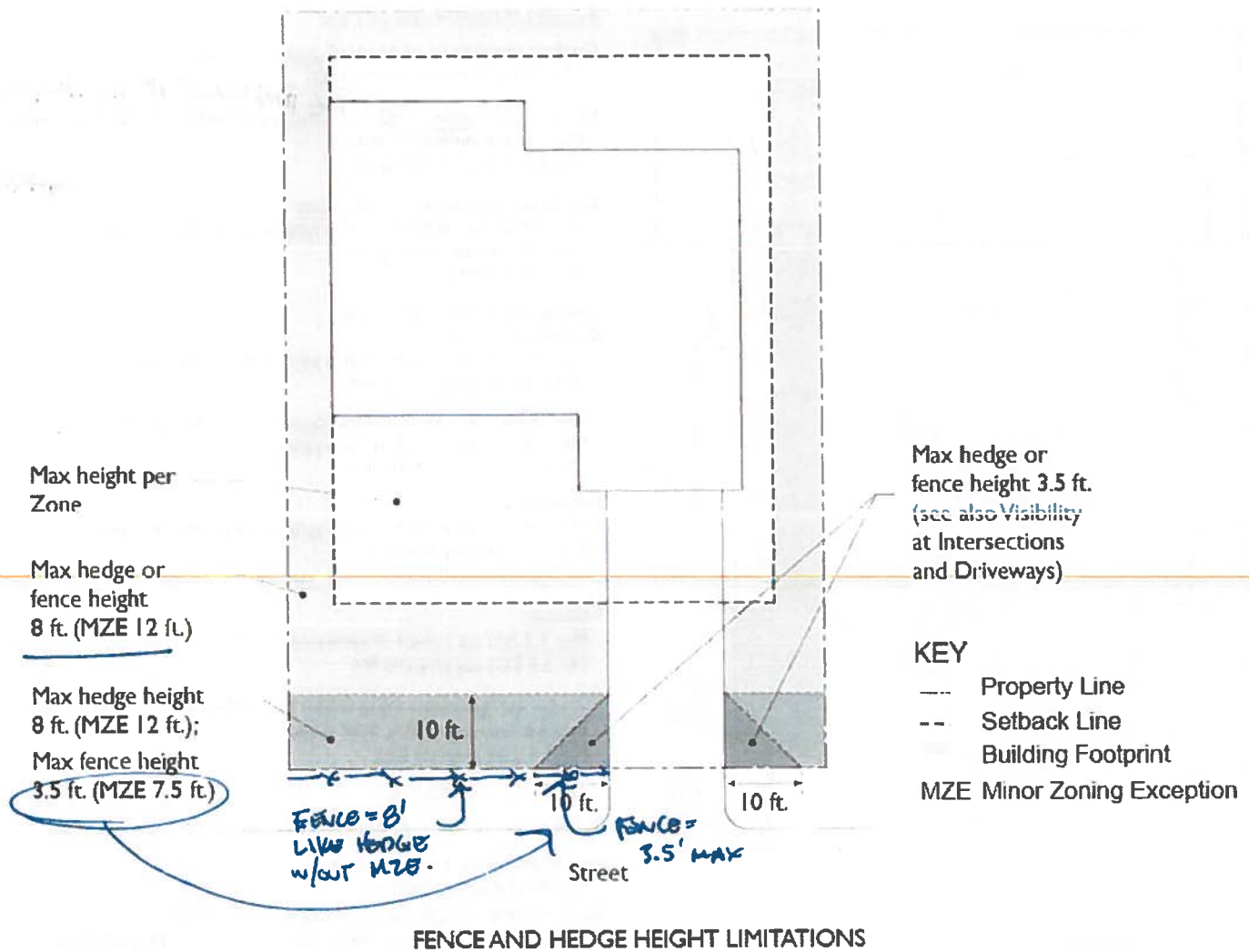
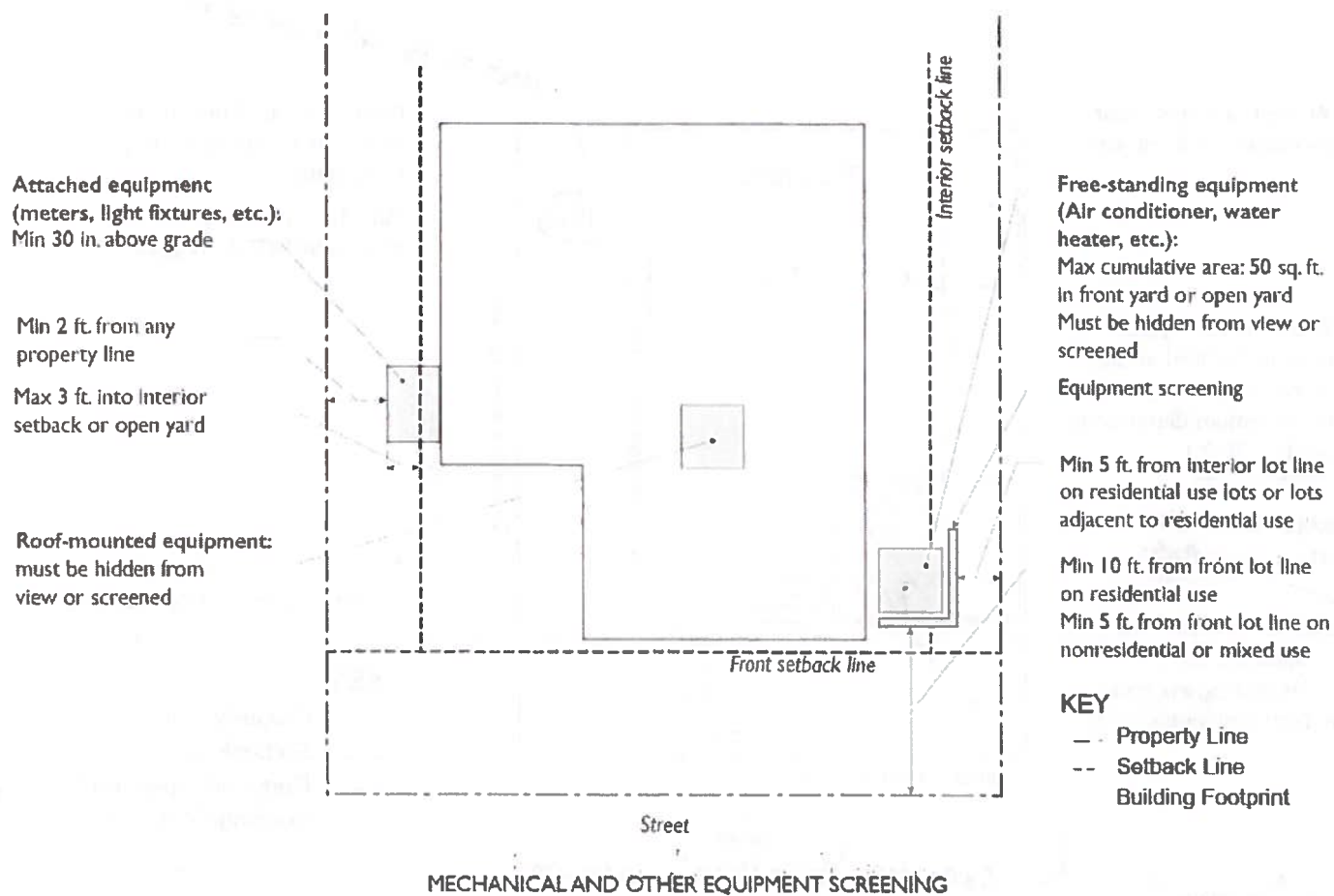


Figure 28.40.140: Mechanical and Other Equipment (p. III-17)



* ADD IN TRASH RECEPTACLES/ENCLOSURES
TO THIS

Figure 28.40.150(C)(1): Open Yards—Single-Unit and Two-Unit Residential (p. III-18)

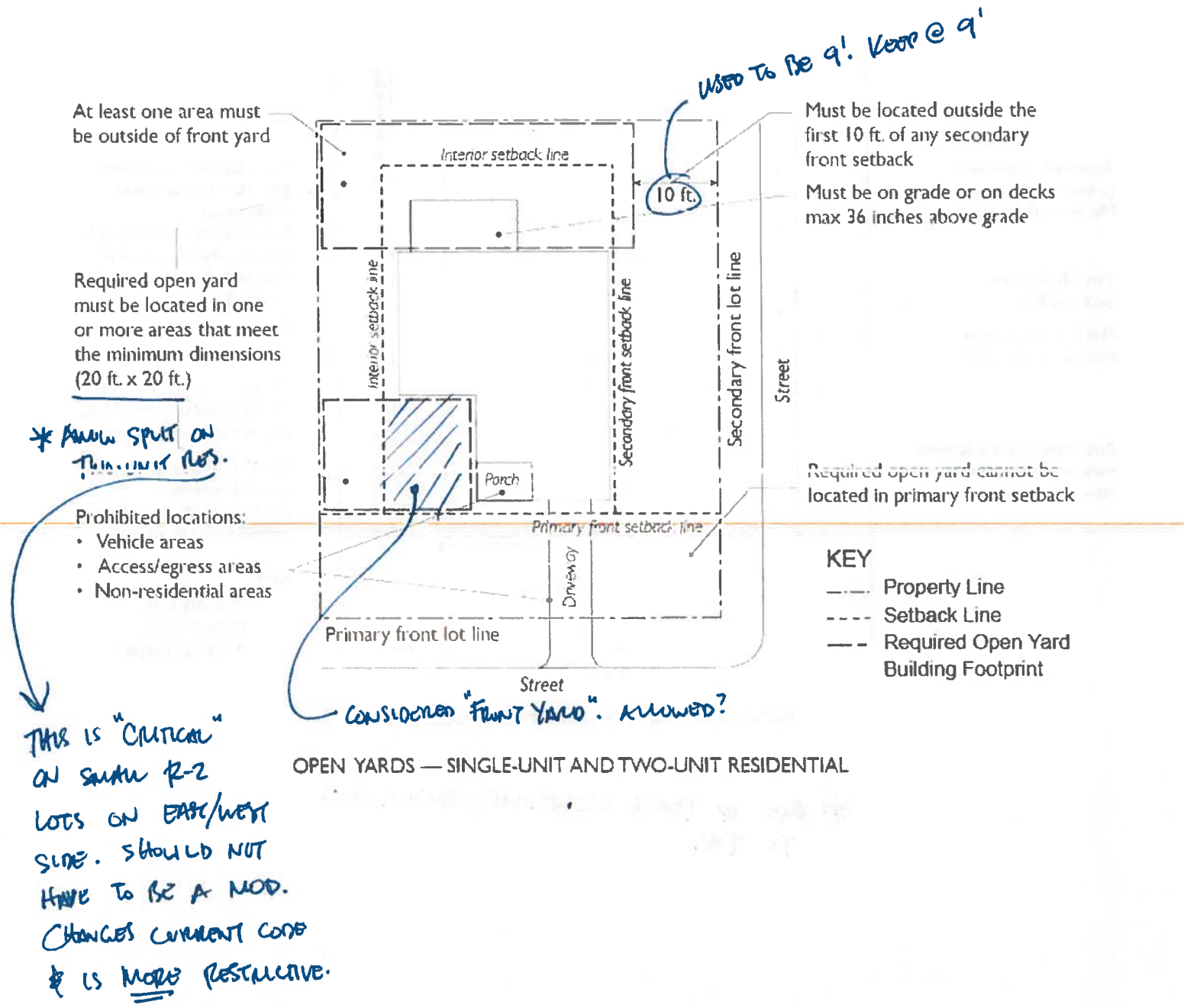
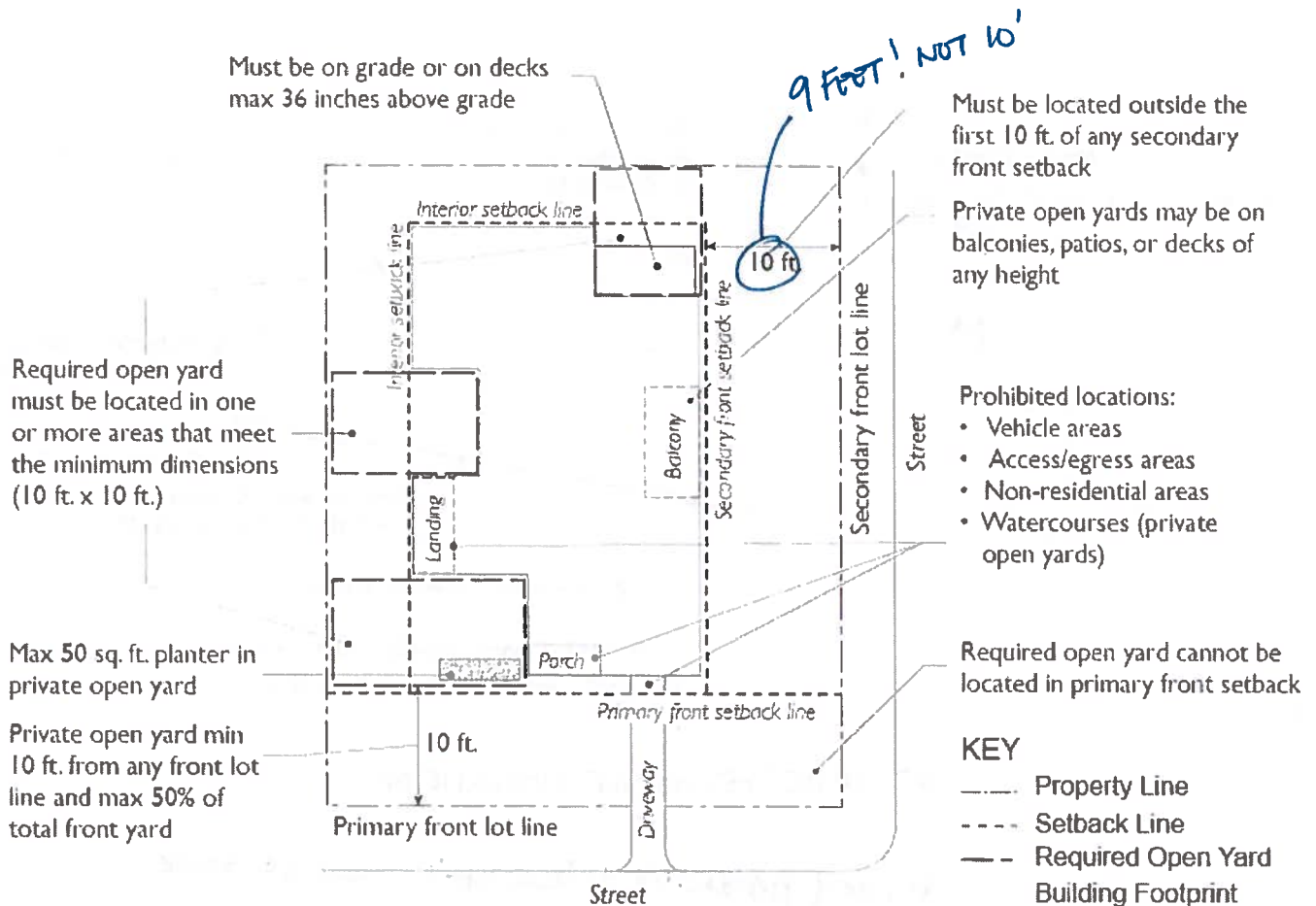
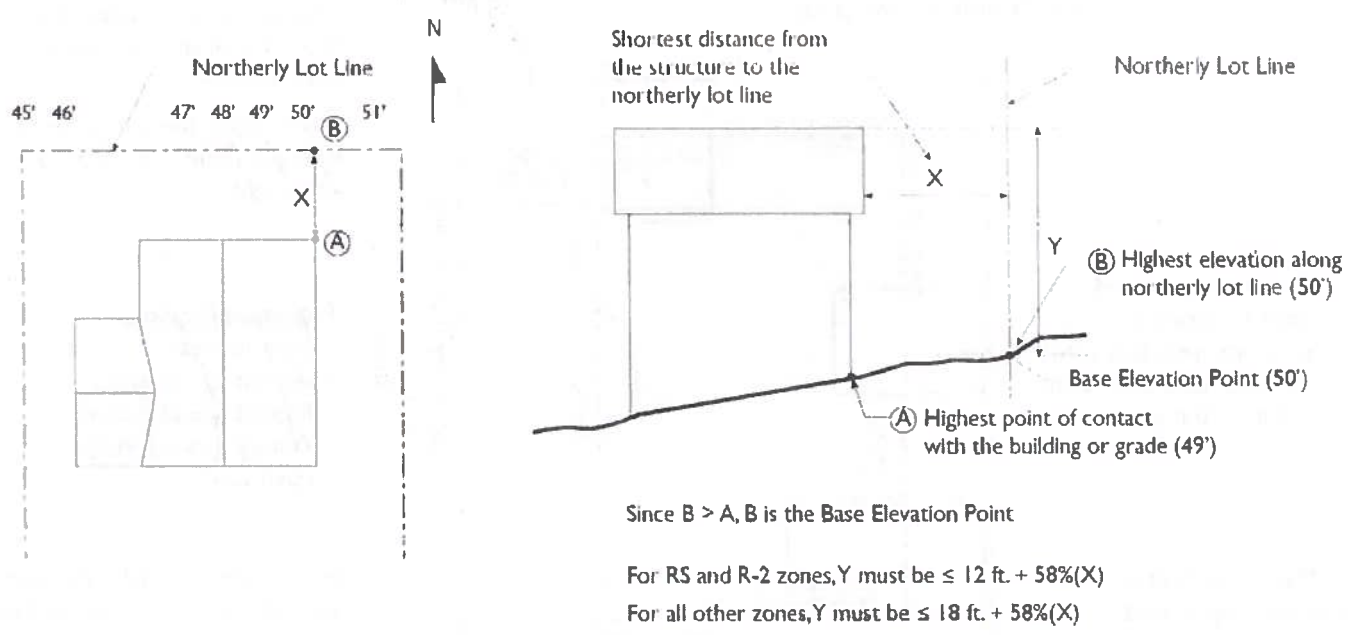


Figure 28.40.150(C)(2): Open Yards—Multi-Unit Residential and Mixed-Use (p. III-19)



OPEN YARDS — MULTI-UNIT RESIDENTIAL AND MIXED-USE

Figure 28.40.180(A)(1) and (A)(2): Solar Access Height Limitations (p. III-24)



SOLAR ACCESS HEIGHT LIMITATIONS

* VERY RESTRICTIVE IN DOWNTOWN HOUSING STOCK
WHERE DENSITY SHOULD HAPPEN.

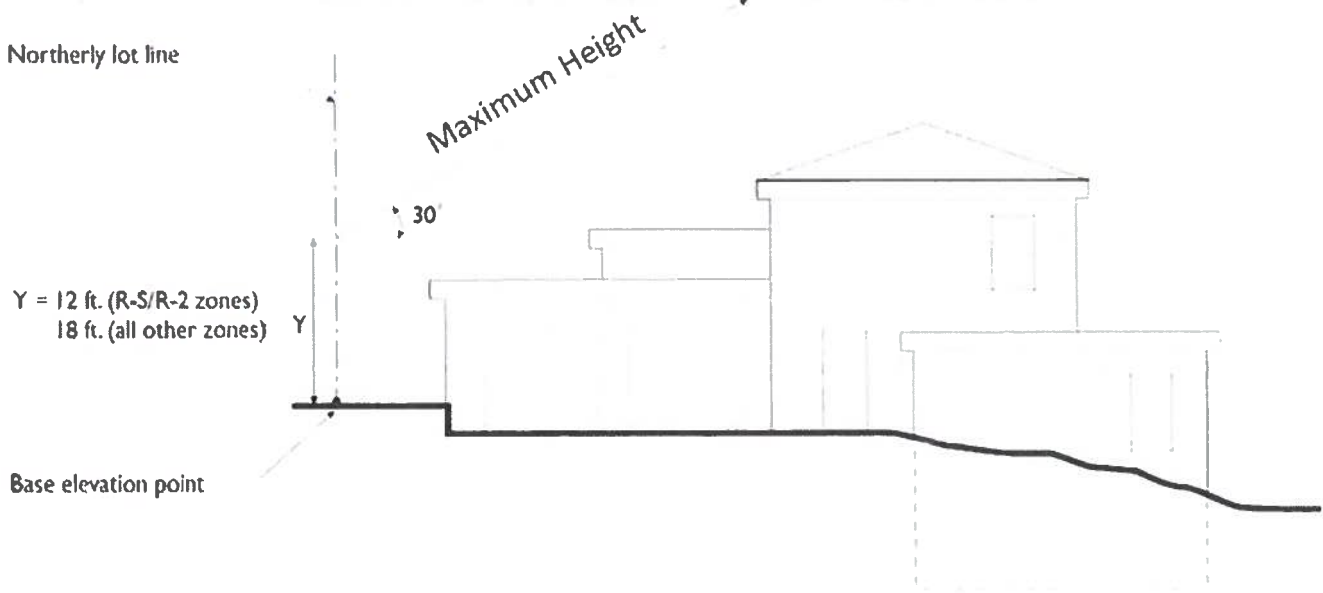
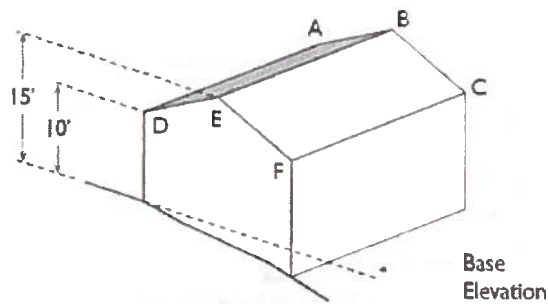
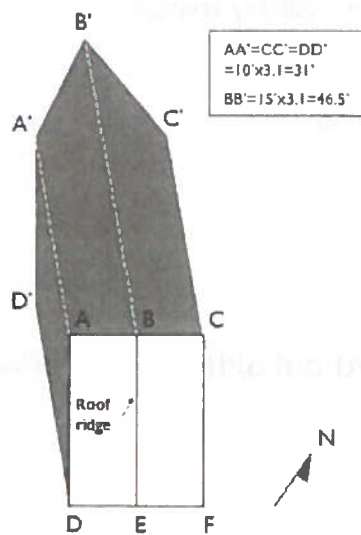


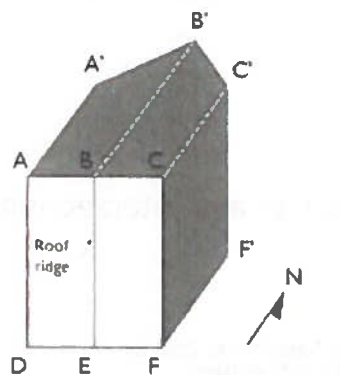
Figure 28.40.180(A)(3): Solar Access Height Limitations-Shadow Plan (p. III-25)



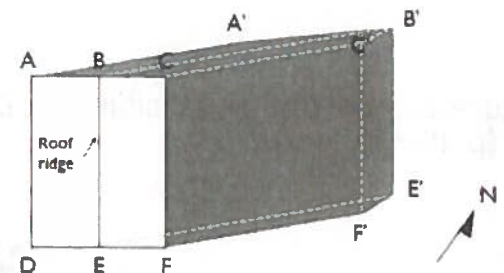
Shadow Plans (Plan view)



Winter Solstice; 9 AM
Direction of Shadow: N 45 W
Length of Shadow: 3.1 times height



Winter Solstice; 12 PM
Direction of Shadow: N
Length of Shadow: 1.5 times height

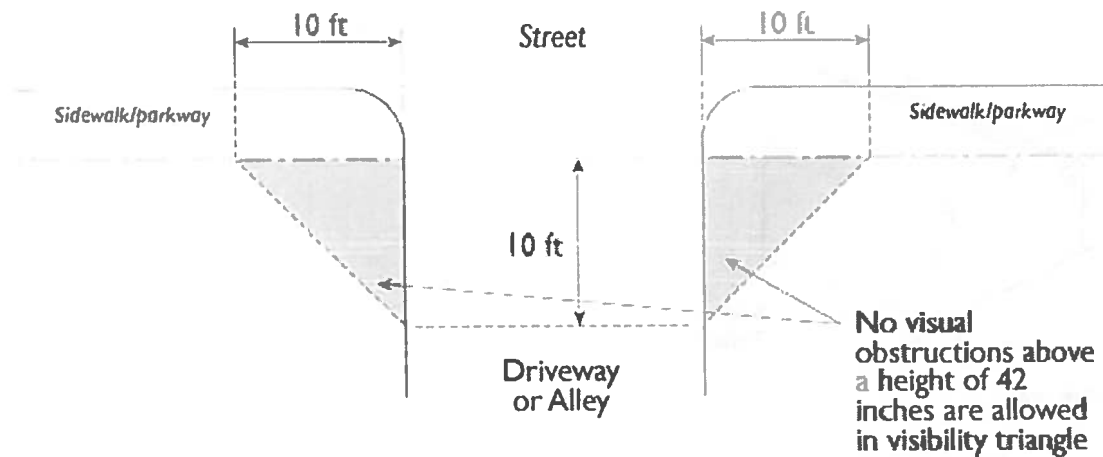


Winter Solstice; 3 PM
Direction of Shadow: N 45 E
Length of Shadow: 3.1 times height

SOLAR ACCESS HEIGHT LIMITATIONS — SHADOW PLAN

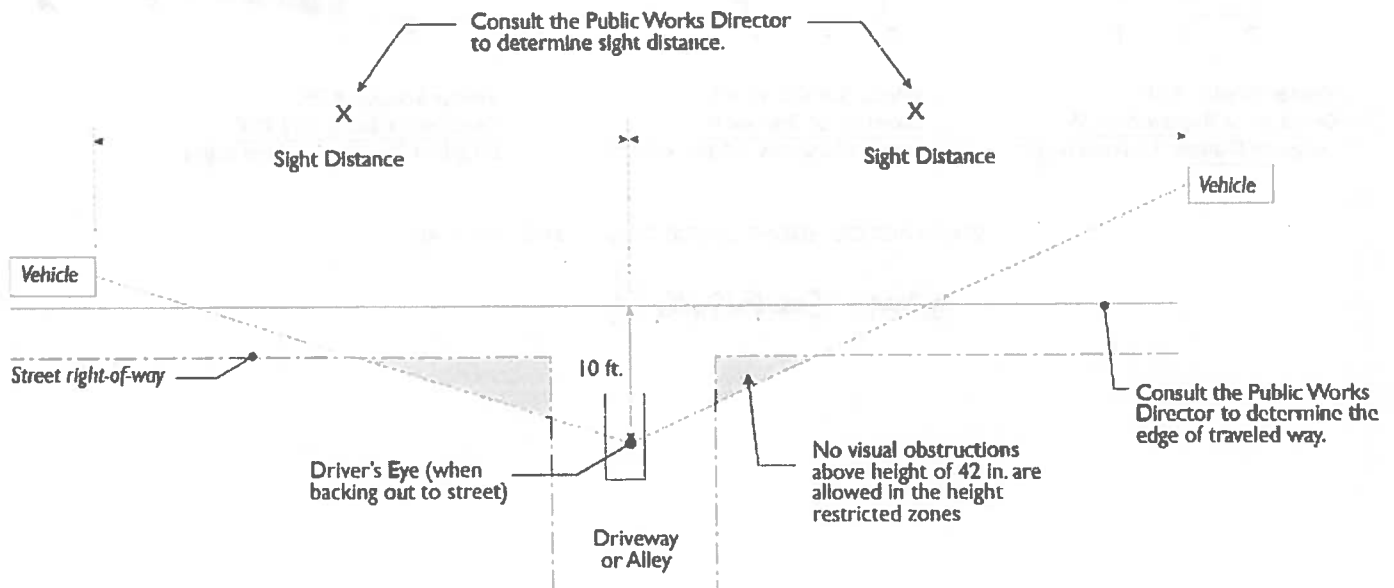
VERY CONFUSING!!

Figure 28.40.230(B)(1): Visibility at Driveways and Intersections with Sidewalk or Parkway
(p. III-32)



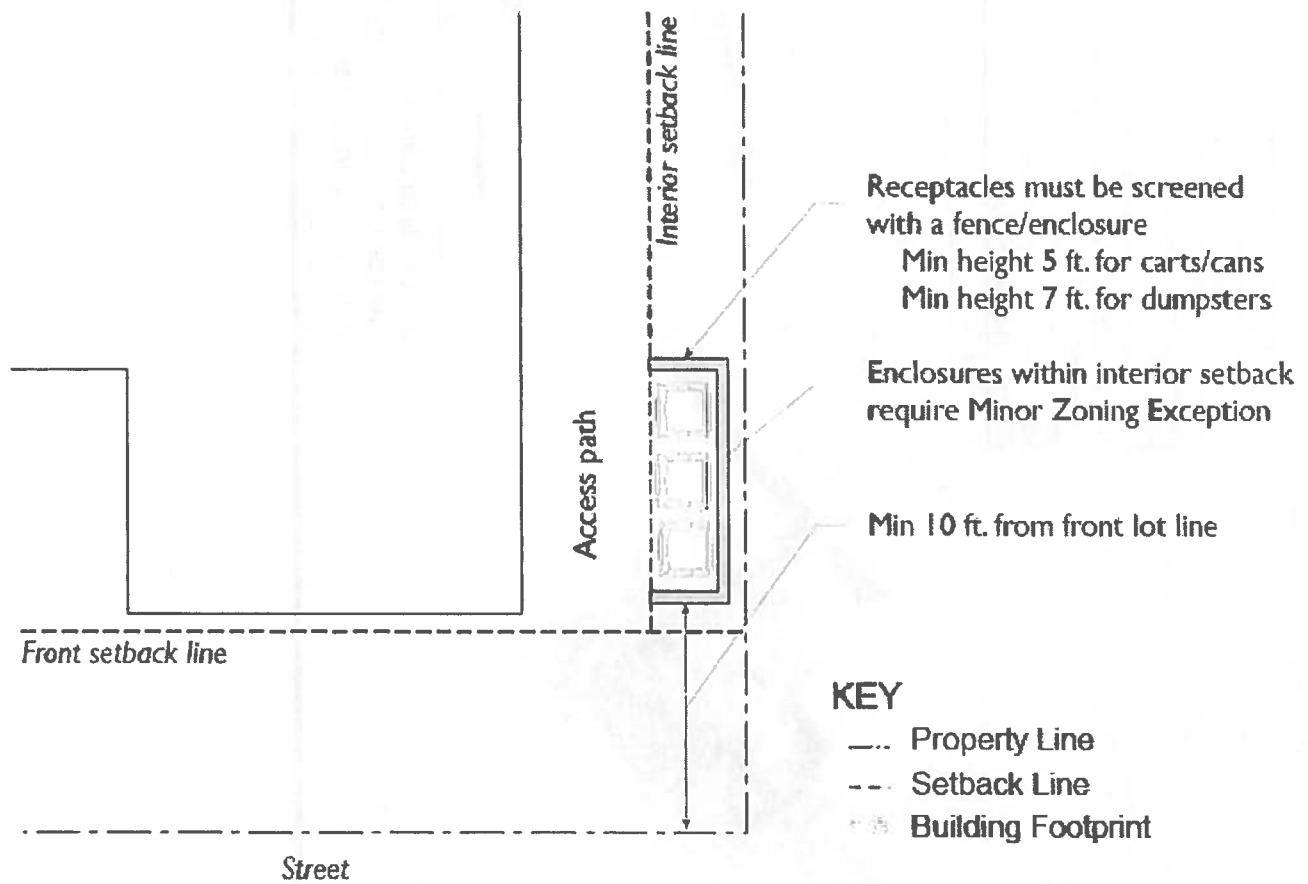
VISIBILITY AT DRIVEWAYS AND INTERSECTIONS
WITH SIDEWALK OR PARKWAY

Figure 28.40.230(B)(2): Visibility at Driveways and Intersections without Sidewalk or Parkway
(p. III-33)



VISIBILITY AT INTERSECTIONS AND DRIVEWAYS
WITHOUT SIDEWALK OR PARKWAY

Figure 28.40.240: Waste, Recycling, and Outdoor Storage (p. III-33)



WASTE, RECYCLING, AND OUTDOOR STORAGE

Good!!

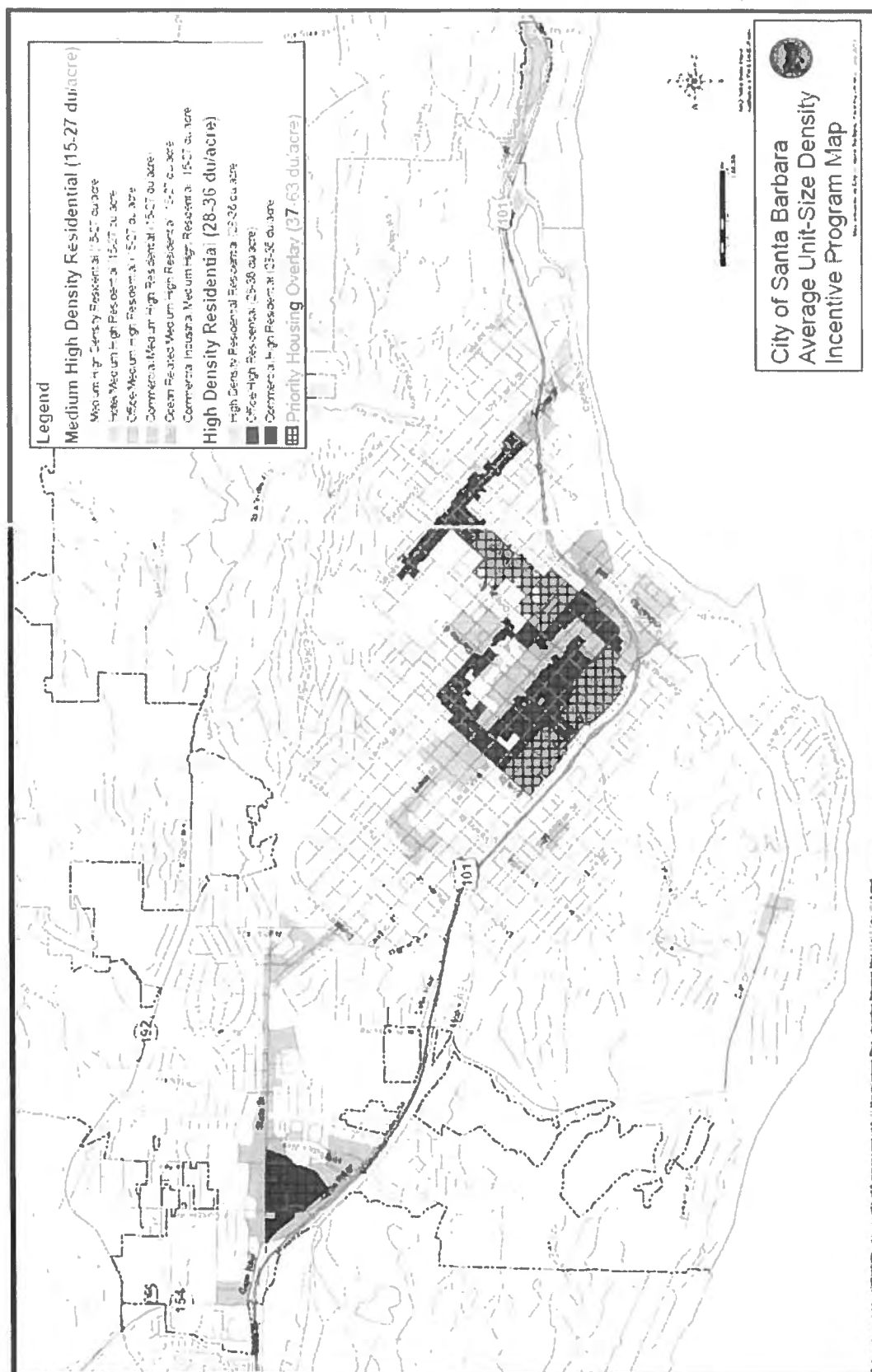
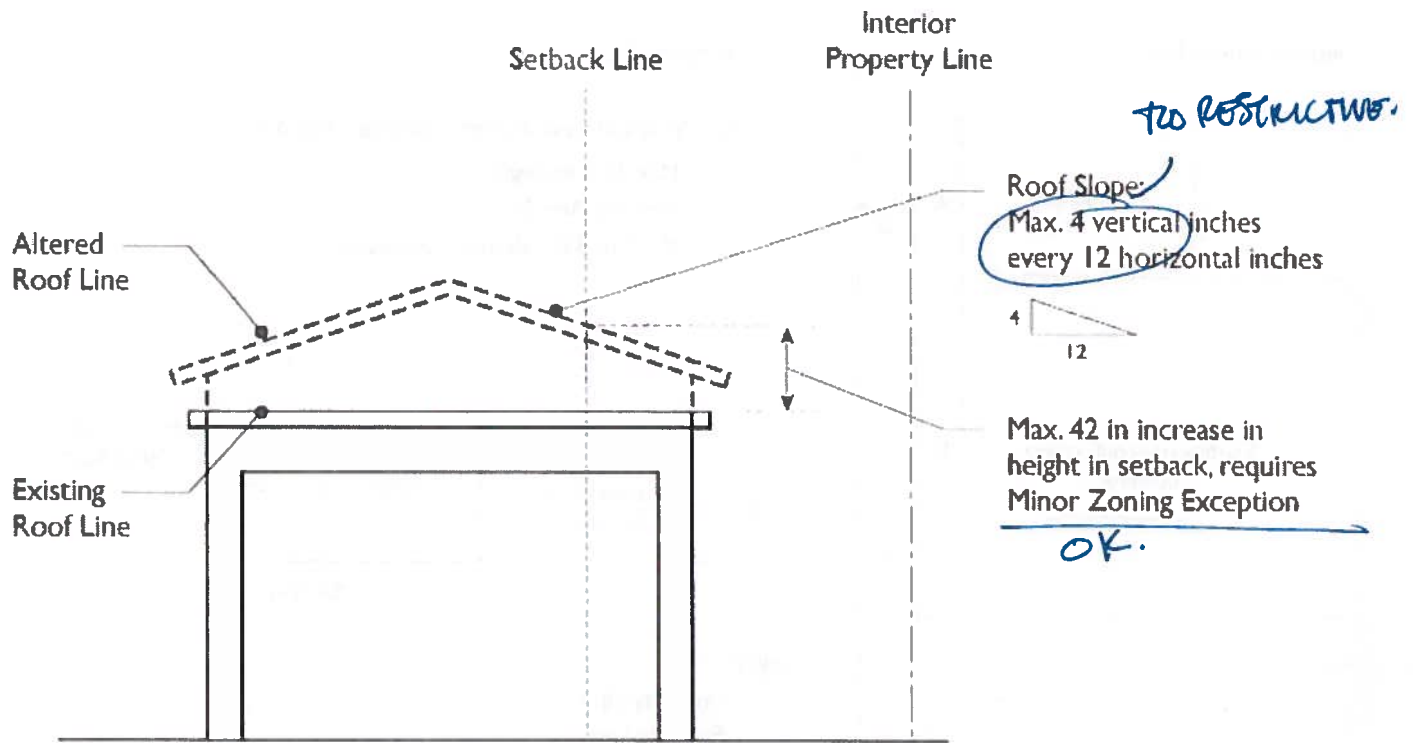
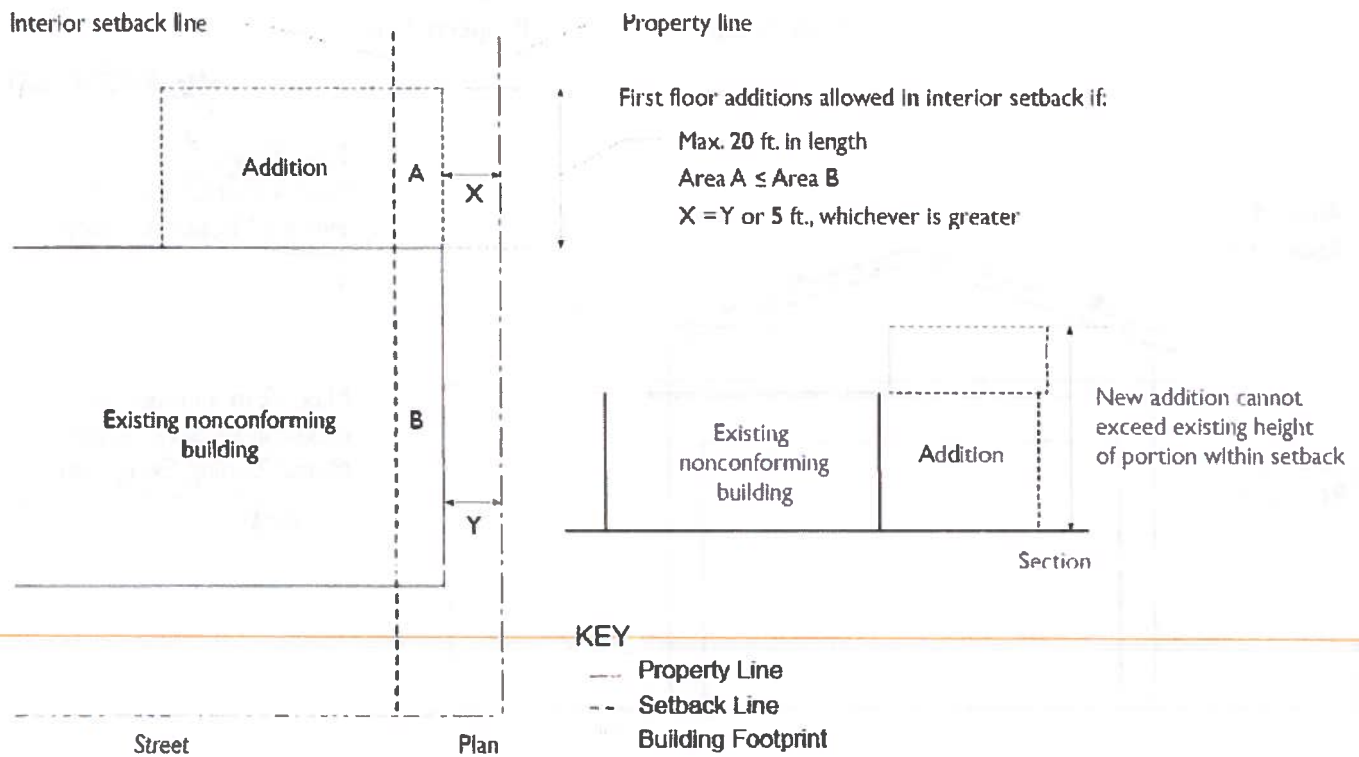


Figure 28.45.040(C): Height Limitations on Alterations in Setbacks (p. III-78)



HEIGHT LIMITATIONS ON ALTERATIONS IN NONCONFORMING SETBACKS

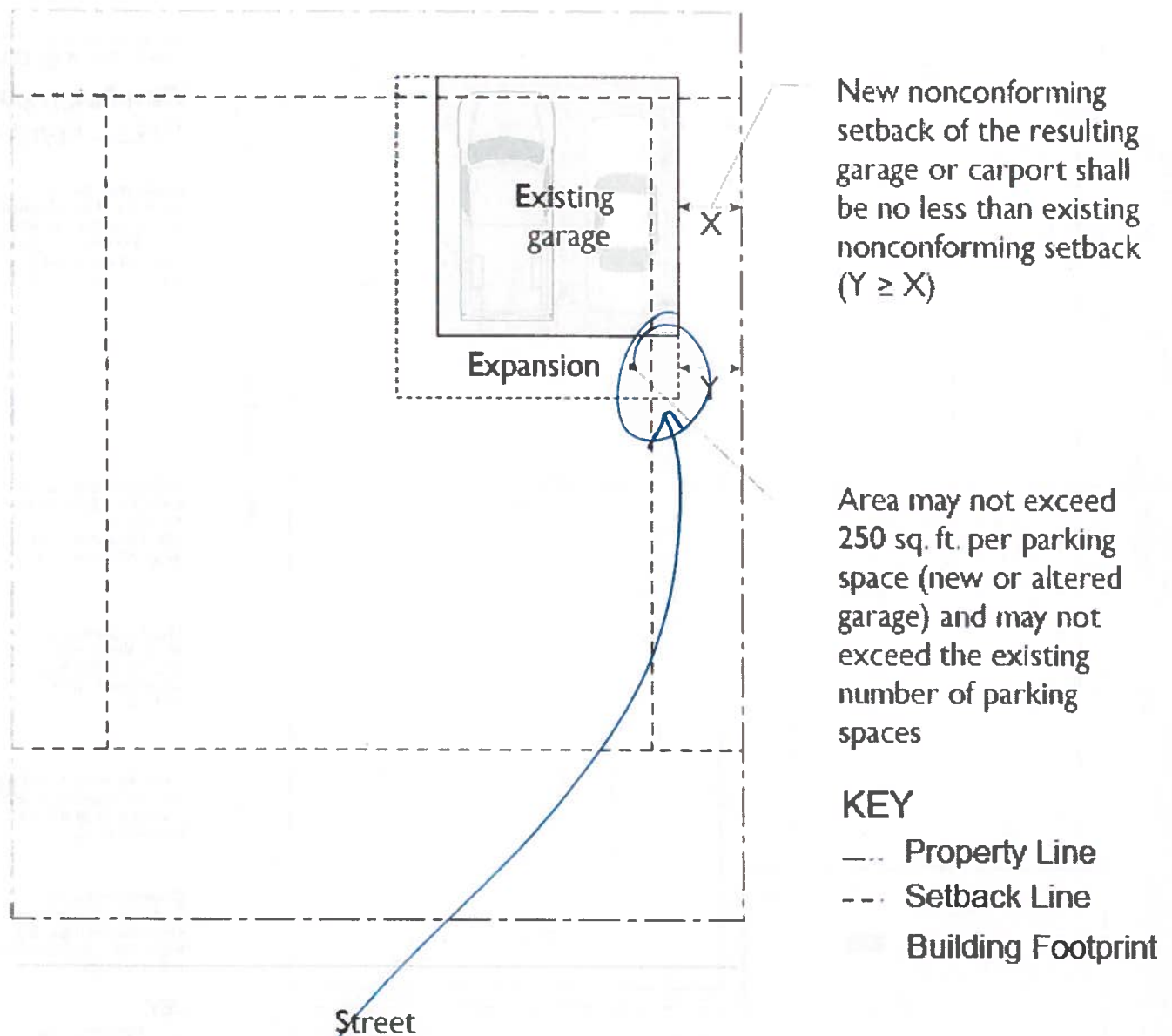
Figure 28.45.050(C)(2): First Floor Addition in Interior Setback (p. III-81)



FIRST FLOOR ADDITION IN INTERIOR SETBACK

OK. w/ MZE?
NO MOD WOULD SPEED UP
PROCESSING.

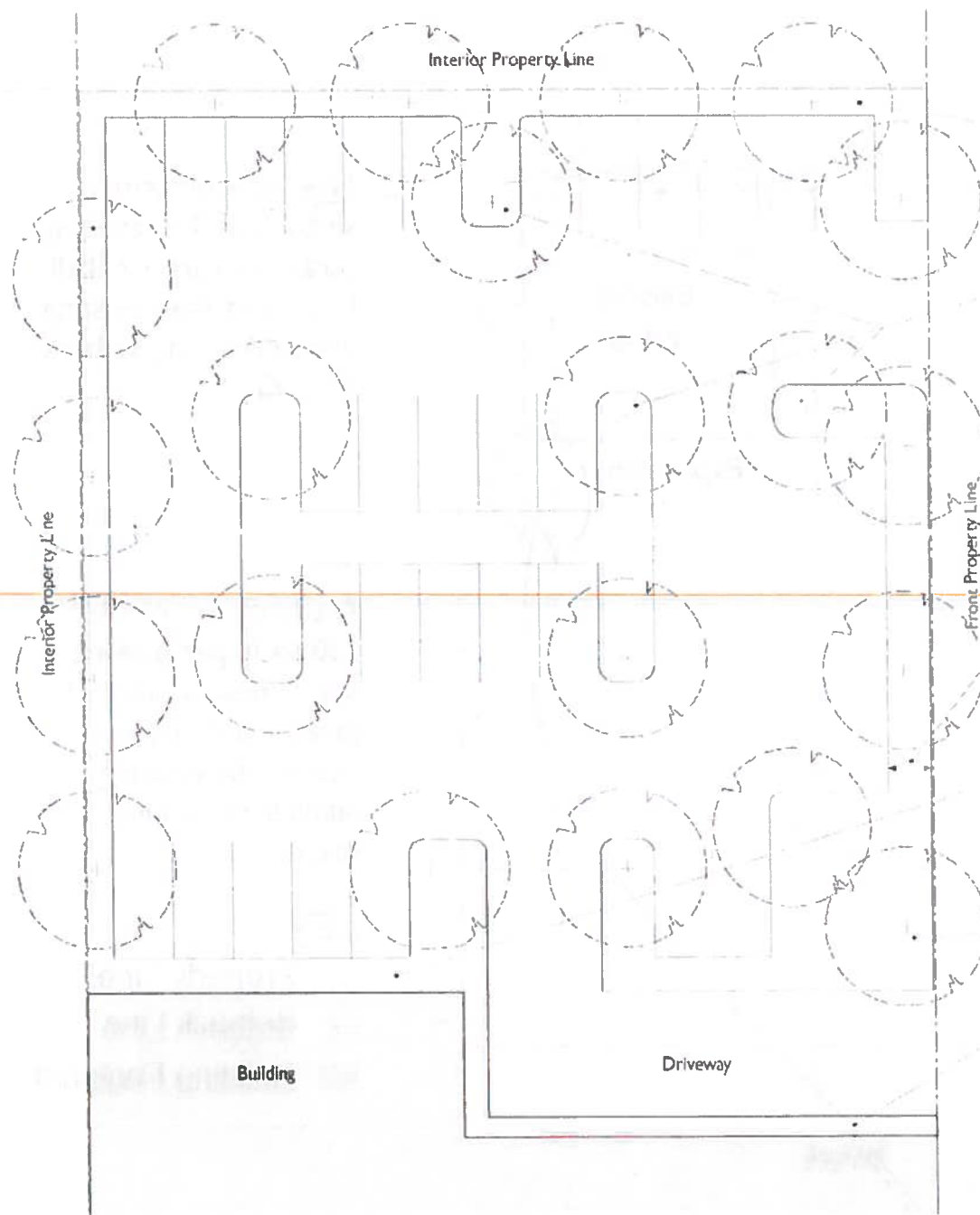
Figure 28.45.060(A): Expansion of Nonconforming Garages (p. III-82)



EXPANSION OF NONCONFORMING GARAGES

APPROVAL w/ M20? PROPOSED

Figure 28.47.080(A): Parking Area Landscaping (p. III-129)



Parking lot landscaped buffer from interior lot line: Min. 5 ft

VARY BASED ON DESIGN REVIEW

Landscaped islands:
Min. 4 ft x 4 ft and containing at least one tree between every 8 consecutive parking stalls and at the end of all interior rows of parking stalls

Parking lot landscaped buffer from front lot line:
Min. 8 ft or
Min. 5 ft with fence or hedge 42 inches in height

Min. 3 ft. planting strips where the parking area is adjacent to buildings or internal pedestrian walkways

1 tree for every 5 parking spaces required over entire parking area, distributed relatively evenly

Driveways adjacent to onsite buildings must be separated from building walls with a planting area of min. 3 ft width

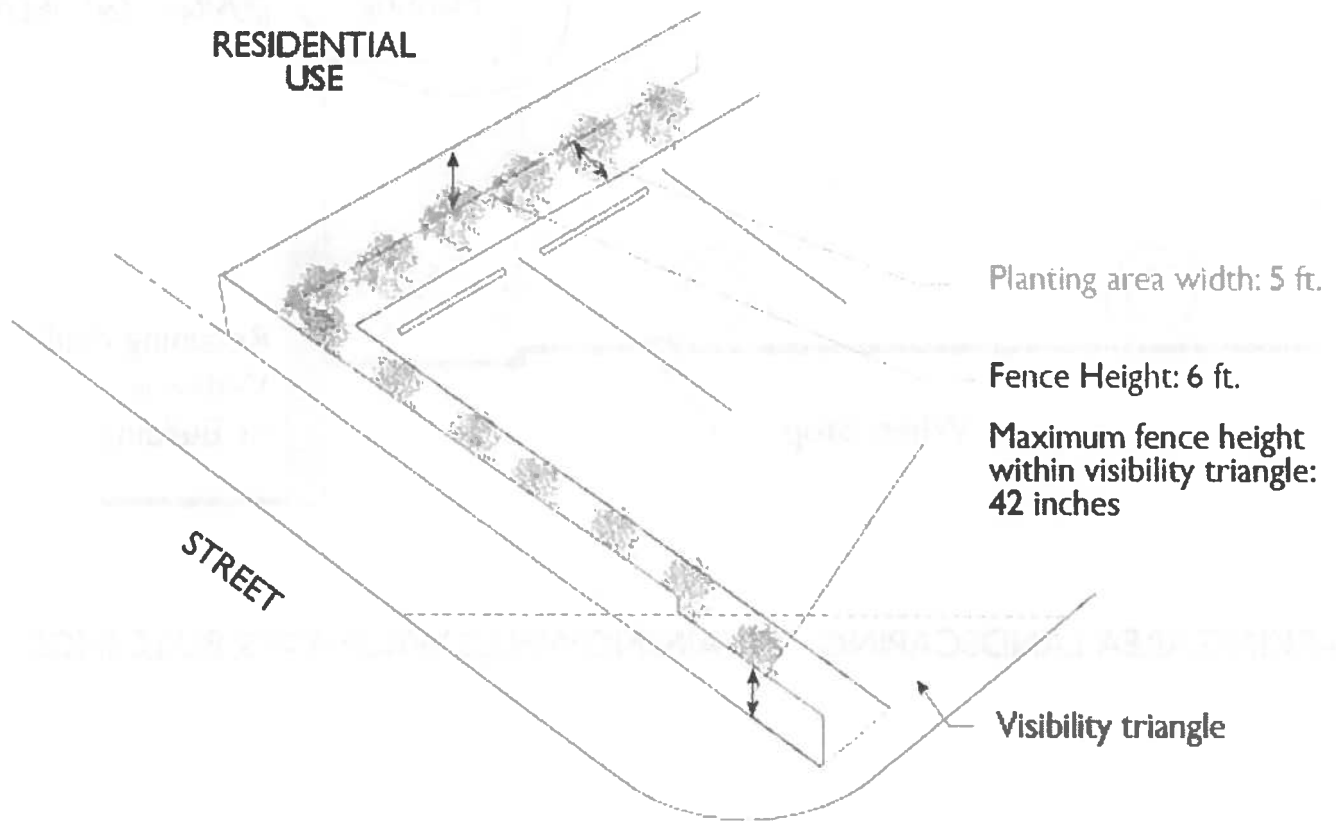
KEY

- Property Line
- Setback Line
- Building Footprint

PARKING AREA LANDSCAPING

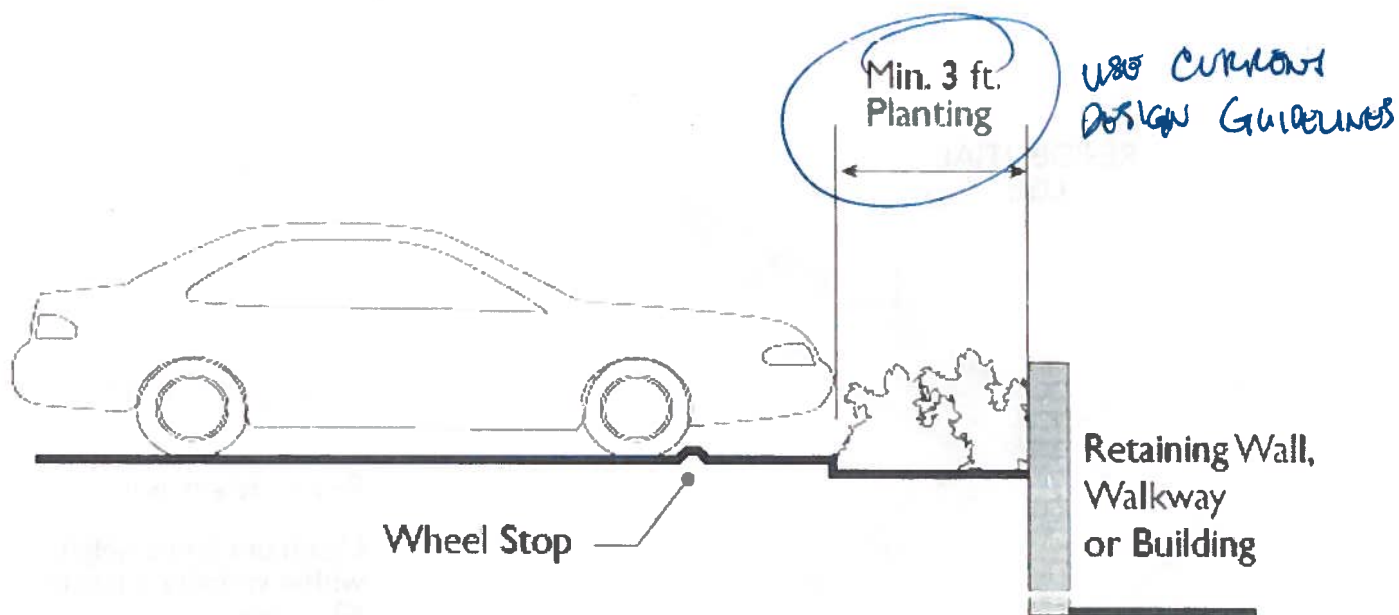
NEED MEASURES TO REDUCE ESPECIALLY ON SMALL LOTS THAT NEED PARKING

Figure 28.47.080(B): Parking Area Landscaping—Fences and Hedges (p. III-129)



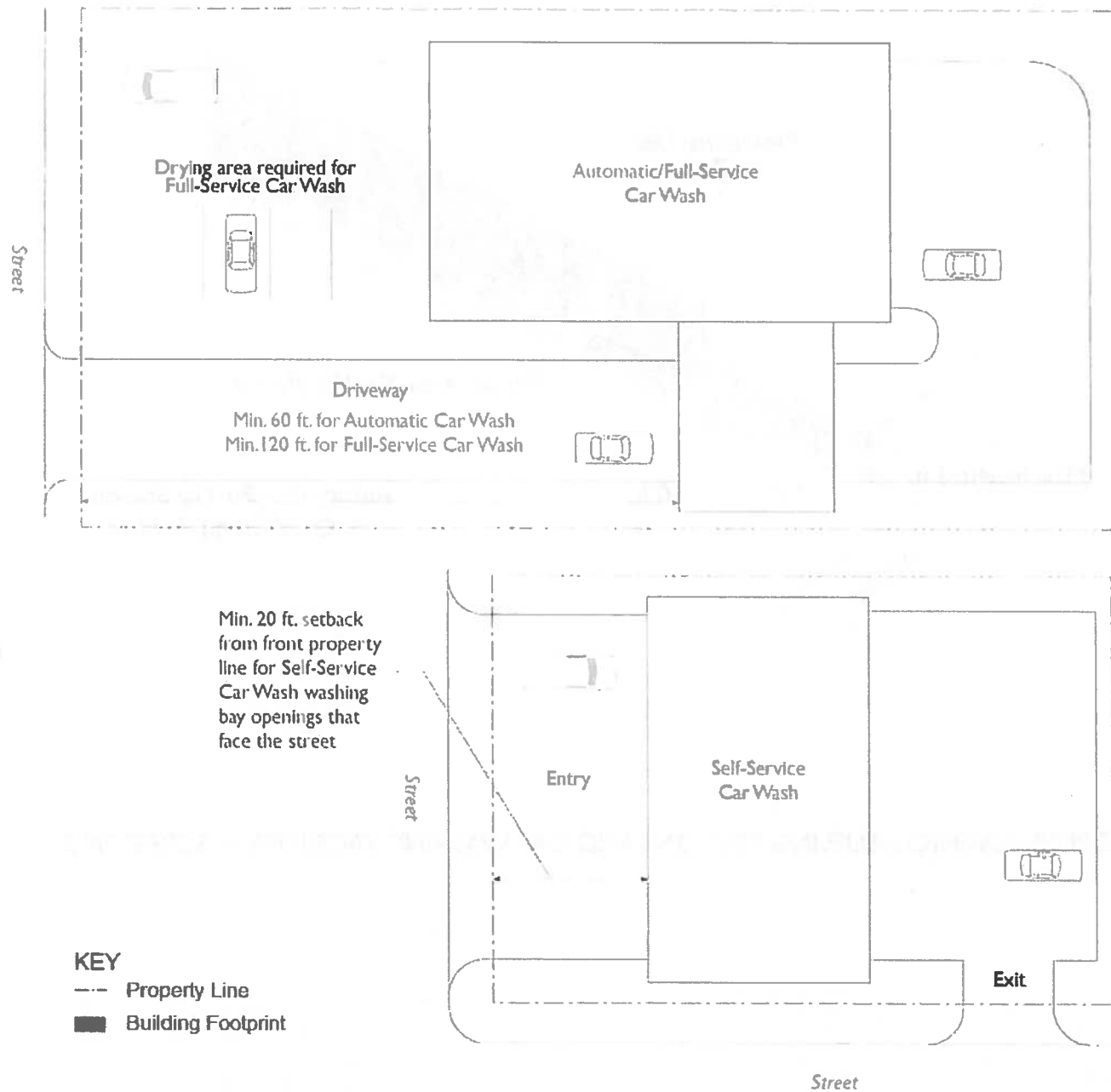
PARKING AREA LANDSCAPING- FENCES AND HEDGES

Figure 28.47.080(C): Parking Area Landscaping—Retaining Walls (p. III-129)



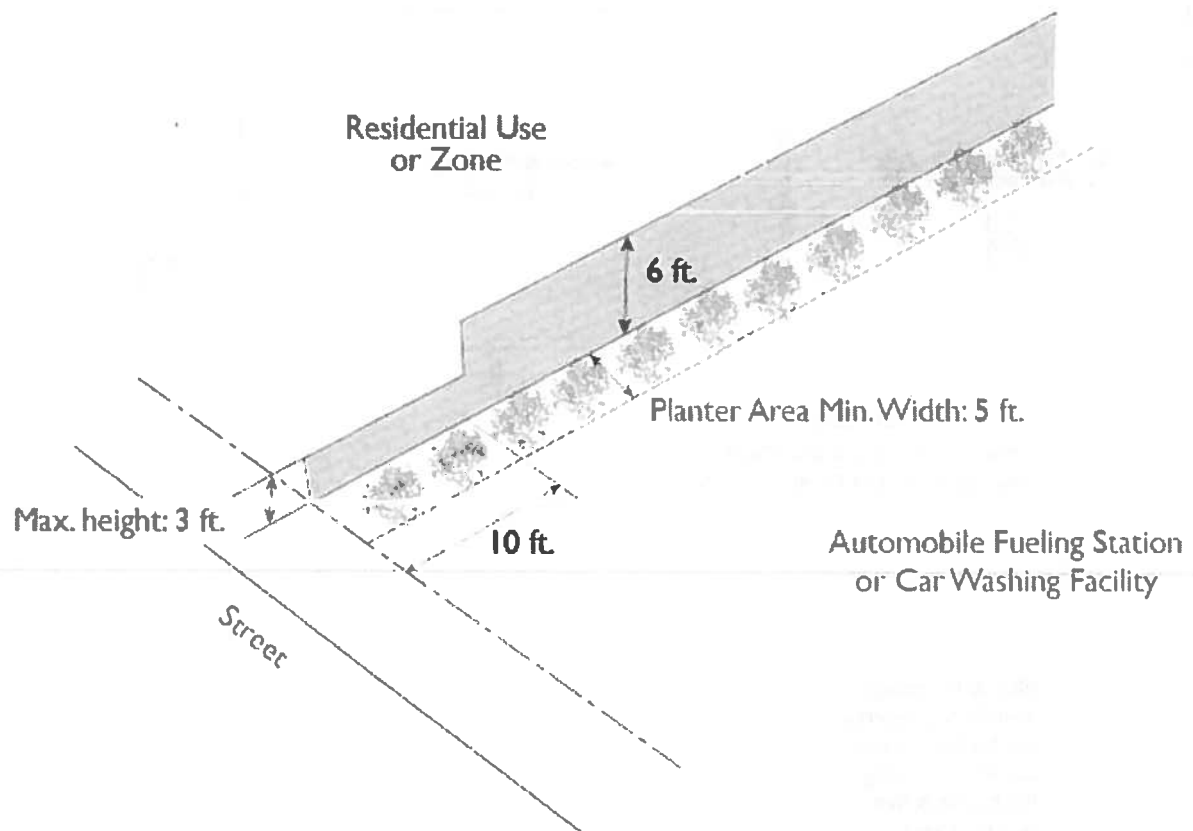
PARKING AREA LANDSCAPING - RETAINING WALLS, WALKWAYS, BUILDINGS

Figure 28.49.090(D): Car Washing Facilities Vehicle Stacking Lanes (p. III-147)



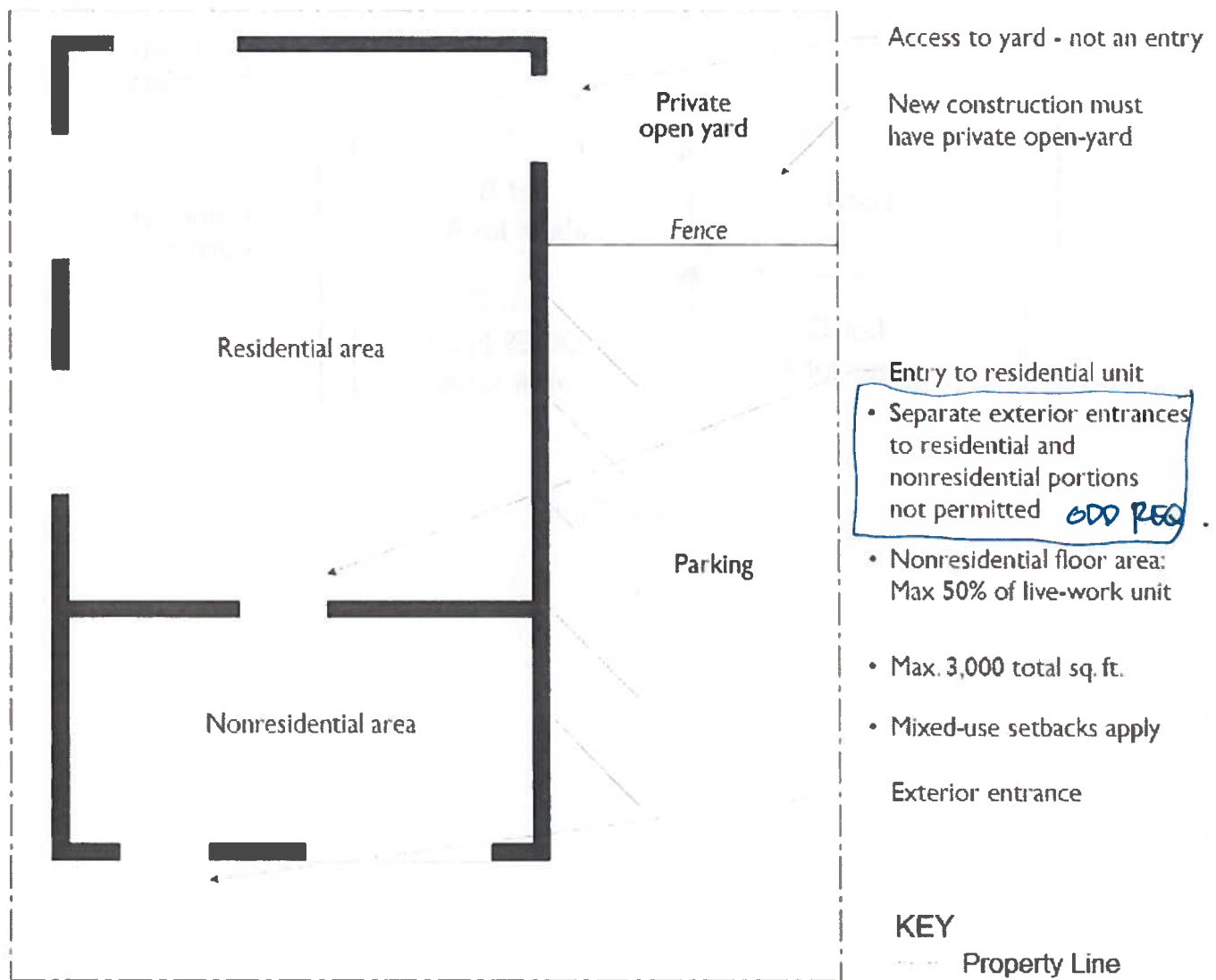
CAR WASHING FACILITIES VEHICLE STACKING LANES

Figure 28.49.090(E): Automobile/Vehicle Fueling Stations and Car Washing Facilities Screening
(p. III-147)



AUTOMOBILE/VEHICLE FUELING STATIONS AND CAR WASHING FACILITIES — SCREENING

Figure 28.49.240: Live-Work Unit (p. III-166)



LIVE-WORK UNIT

Figure 28.81.010: Abutting (p. V-16)

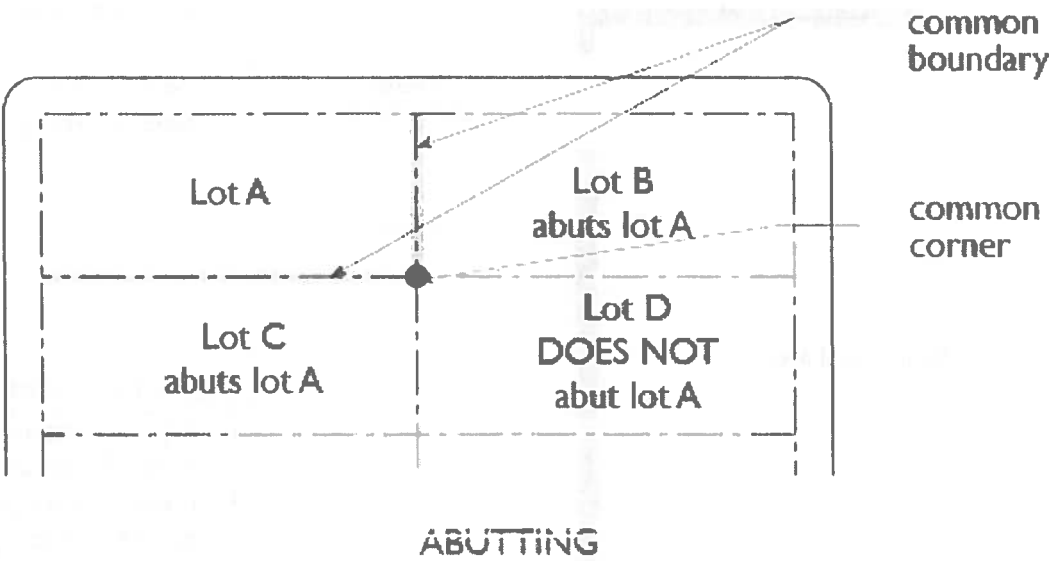
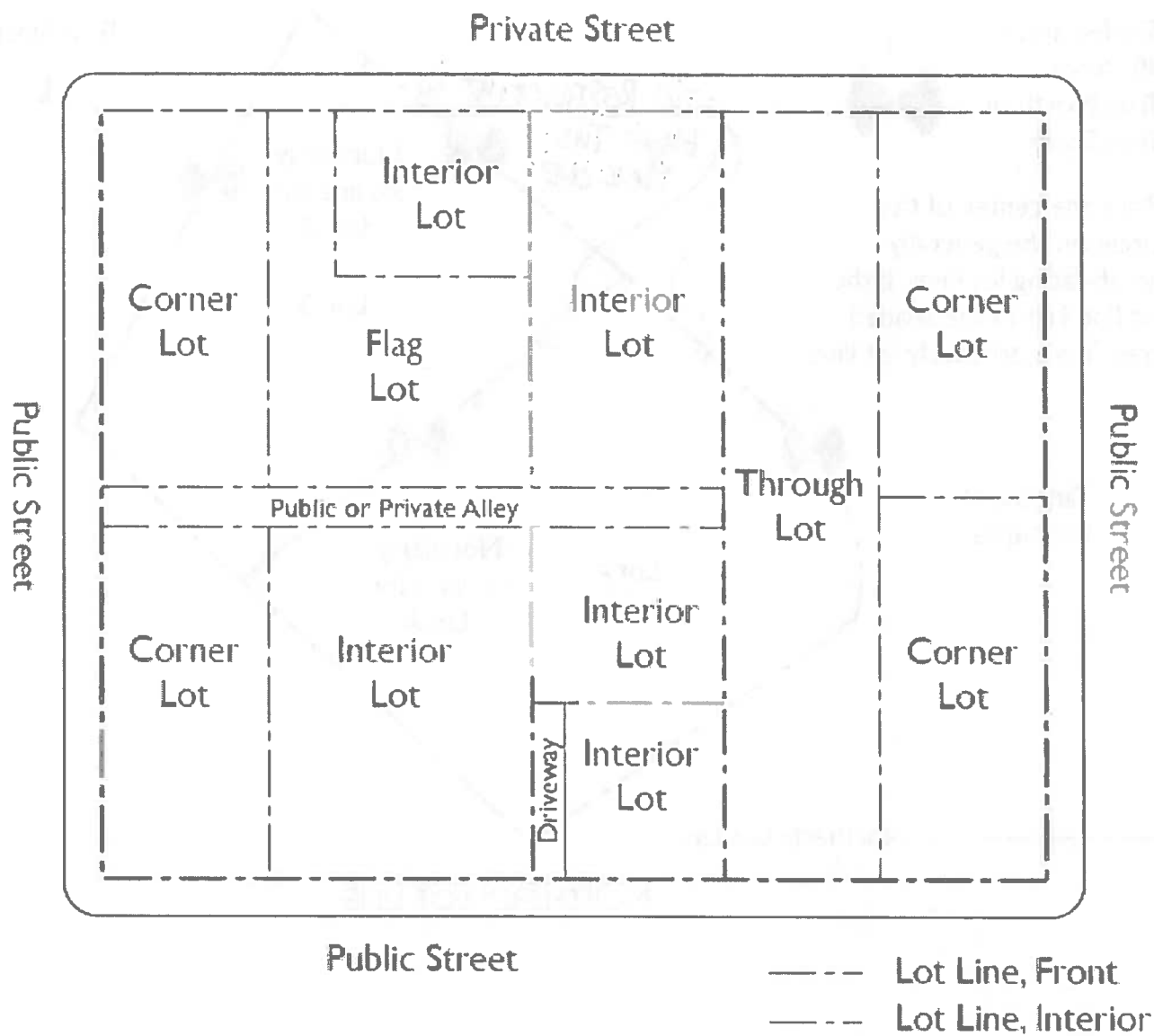


Figure 28.81.120: Lots and Lot Lines (V-28)



LOTS AND LOT LINES

Figure 28.81.190: Northerly Lot Line (p.V-34)

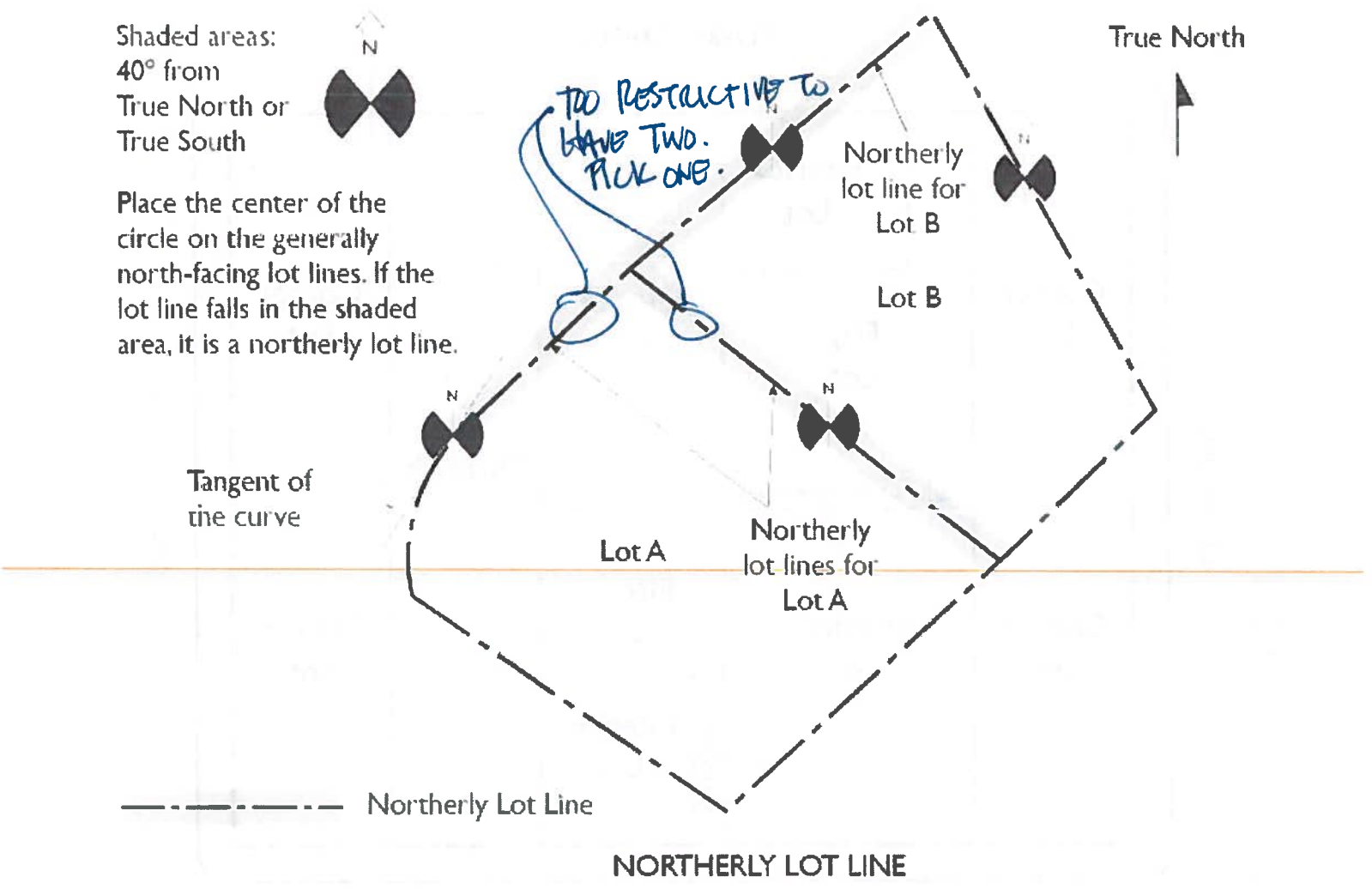
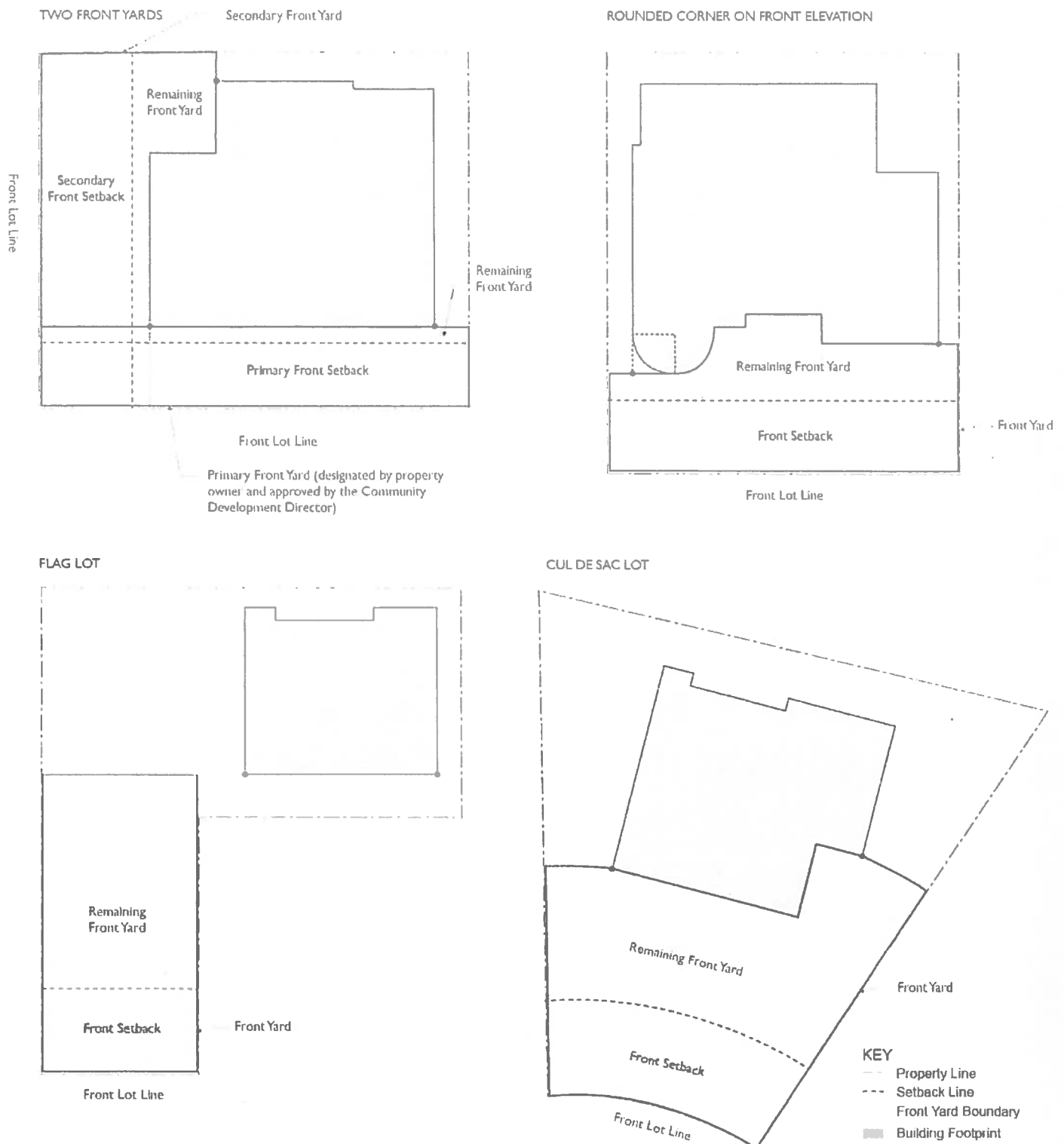
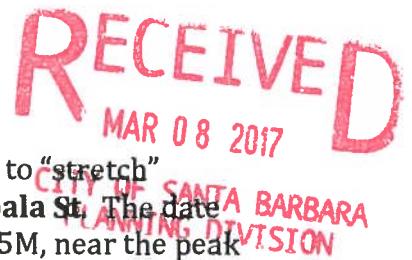


Figure 28.81.250: Yard, Front (p. V-37)



YARD, FRONT



My wife and I lived in Sacramento, CA for a decade before deciding to “stretch” ourselves in purchasing our present home in Santa Barbara at **118 Chapala St.** The date was **November, 2007** when we bought the triplex in West Beach for \$1.5M, near the peak of the market, just as the entire financial world was about to implode. Unable to sell our Fair Oaks 5-BR rancher, upside-down on the mortgage as prices caved, we tried to carry both properties and sought the nascent “loan modification” relief to no avail, ultimately selling our former residence “short” in 2011. We lost almost all our assets, but *did* succeed in holding onto our West Beach triplex.

In moving from a 5-BR/4-Ba house (3900’sq) to a 1-BR/1-Ba unit (1100’sq), we obviously compromised space for the opportunity to live in Santa Barbara. We saw the only way to exist in the triplex was to be able to occasionally **use the other unit(s) for personal guests** during holidays, vacation or any time. In the beginning our daughter stayed in one unit while attending SBCC.

Long-term rental was therefor not feasible for at least one of the other two adjacent units. I renovated Unit-3 (after being totally water-damaged in 2008) and eventually we put it on the short-term **vacation** rental market successfully. A couple of years later, when long-term tenants chose to vacate, I renovated Unit-2, furnished it, and added it to the **STR** market as well.

Unit-1 has been our **primary residence** from the beginning, though we have offered it as a vacation rental **in the peak season** for a couple of years (often 30+day rental).

All this was **legal** through December, 2016, particularly as we are **zoned R-4: hotels and hospitality**. It is *still* deemed “legal” in 2017, in fact.

The City of Santa Barbara sold us an annual **business license** (#971980) to operate **vacation rentals** in our **residential** building.

We faithfully collected and submitted the **Transient-Occupancy-Tax (TOT)** for our reservation guests until January, 2017. I have submitted approximately \$10K TOT per year into the City coffers. As well as \$15K in property tax. By their choosing to *not* renew our Business License in 2017, we cannot collect on STRs, nor operate as usual. A loss for both.

This above-board, City-condoned usage of our property has allowed us to live in a decidedly *smaller* home by being able to block out periods in other units when we need to accommodate visiting family and friends: for Thanksgiving and Christmas, vacationing here, our daughter’s wedding...

Our personal life would not function without having this flexibility of usage.

For much of 2016, the City Council deliberated over STRs and their proliferation in mostly zones like R-1, R-2, etc. The Council seemed to not know *what* to do with **R-4** property during this process, and intoned revisiting the issue perhaps, downplaying any ramifications until well into 2017 – attending to other zones first.

Instead enforcement was immediate. By choosing to “**interpret**” the existing Hotel code to encompass **vacation rentals** (dubiously), the City attorneys **sought to define STR-usage of residential homes as commercial usage**, and ergo subject to 35 year-old code that **required conversion to a “hotel”**.

The various rules and regulations concocted to achieve this “conversion” are heavy-handed, and **entirely inconsistent within** their own right. Even those attempting to comply and seeking to “convert” are hitting roadblocks left-and-right, some for as much as **eighteen months** without a hint of resolution. Not ONE person has been approved.

The process is **effectively a ban** – in a R-4 zone for which **short-term rentals are legally allowed**. And **by not re-issuing Business Licenses** to us, they are making the operation of rentals less than 30-days *illegal*.

Council members seem unawares of the dilemma facing R-4 owners as we sit, hands tied, unable to operate legitimately nor attain compliance, losing vitally needed revenue and facing **expensive conversion**. Until the City sorts out the conflictions and decides what it *really* wants to achieve in R-4, we as owners are uniting as a group, meeting with Council members to illuminate the faulty process.

MC 28.88.028 Permit Required: Exceptions B states explicitly that “using no more than **one** existing dwelling unit as part of said conversion shall not be considered a conversion.” Yet the City handout for Hotel Conversions says otherwise.

Once cited with a **Warning** for a possible violation by the Enforcement Officer (based on improperly read VRBO ads), the City attorney threatens with the **harsh financial penalties**, and offers **absolution** from the debacle *only* if we **sign a Settlement Agreement**. This Draconian document includes **waiving our right to defend or challenge**, as well as **conceding to random property “inspections”** with 48-hr. notice. Unacceptable.

At a bare minimum, those of us in R-4 ought to be granted a moratorium that allows us to continue to operate as STRs for the next 6-months at least while these inconsistencies are addressed properly.

In fact, we believe there is *no* reason that R-4 homes under 4 units should be required to “convert” at all! It defies common sense, and while we should have agreeable guidelines for operating in our communities, we should not be forced to go basically go long-term rentals.

Donald Alexander Campbell & Joy Kelly
118 Chapala St. , SB, CA 93101
(916) 705-7847 c

SB Municipal Code -Ordinance and what it says for 1 unit (big discrepancy in code)

From the handout City gives for "Vacation Rentals".

I have searched the zoning & municipal code and there is NO definition of a vacation rental so why is there a process and why doesn't the exclusion in the code apply? The Hotel conversion says it's not considered a hotel or needs a conversion. However, note what I have underlined. If the city is arbitrarily calling a "vacation rental" a "hotel" (because of what planning division has an "opinion" on) then why does it say in the zoning code that it is NOT a "hotel" requiring a conversion? Isn't a conversion is conversion? See attached handout. The top bar says

"Planning Process for Conversion of Residential Unit to a Vacation Rental"

City of Santa Barbara

VACATION RENTALS

Please be advised that the following information is subject to change. The conversion of an existing residence to a vacation rental is considered by the Planning Division to be a change-of-use from a residential use to a non-residential use and will require compliance with the following standards described below. A "vacation rental" is a hotel when any building, group of buildings, or portion of a building is occupied for overnight stay by individuals for less than 30 consecutive days (See the definition of "hotel" at SBMC §28.04.395).

HOTEL CONVERSIONS

28.88.028 Permit Required; Exceptions.

B. EXCEPTIONS TO REQUIREMENTS FOR CONVERSION PERMITS. The following shall be exempt from the provisions of this Chapter: 1. A project creating a condominium, hotel or similar use and using no more than one (1) existing dwelling unit as part of said project shall not be considered a conversion. To qualify for this exception, the number of dwelling units on the project site shall not have been previously reduced by use of this exception clause. For the purposes of this exclusion, the number of existing dwelling unit(s) shall be determined on the date of application for the permit. If the project calls for destruction of the structure housing the dwelling unit(s), those units shall not be counted as existing unit(s). 2. A stock cooperative or community apartment which has received final approval from the California

Planners opinion...

The language you highlighted in SBMC 28.88.028 is interesting. It does appear to say that if only one unit is converted, that this is not a "conversion" and makes me wonder what the City has as a basis to require a "conversion permit.". It even says "hotel or similar use" which means that they can't say a STVR is somehow substantively different. My opinion would be that changing a residence to a STVR IS a change of use, but the SBMC language here appears to specifically EXEMPT it when this involves only one unit.

Attorney's opinion...

Good point. Section 28.88.028 clearly provides that where an owner is converting a single unit to short term rental that no hotel conversion permit is necessary.

See also SBMC:

28.04.260 Dwelling Unit.

As used in this title, the terms dwelling unit and residential unit are synonymous.

28.04.590 Residential Unit.

A. A building or portion thereof designed or occupied for residential purposes, containing not more than one (1) kitchen per residential unit, but not including hotels or boarding houses.

28.04.630 Single Residential Unit.

A residential building configured as not more than one (1) residential unit and occupied by not more than one household. (Ord. 4924, 1995; Ord. 4858, 1994.)

Marck Aguilar

From: Beatriz Gularte
Sent: Thursday, March 09, 2017 2:59 PM
To: Julie Rodriguez; Danny Kato; Marck Aguilar
Subject: FW: Citywide Food Services Parking Ratio

This just came in.

From: Ken Oplinger [mailto:ken@sbchamber.org]
Sent: Thursday, March 09, 2017 2:54 PM
To: Renee Brooke <RBrooke@SantaBarbaraCA.gov>; Beatriz Gularte <BGularte@SantaBarbaraCA.gov>
Subject: Citywide Food Services Parking Ratio

Planning Commission Members:

On behalf of the Chamber of Commerce of the Santa Barbara Region and its 800 members representing some 20,000 jobs in our region, I am writing to express our support for the 1:250 ratio for parking for food services businesses in the City. The matter will be before you today as part of the NZO review process.

We believe that this parking ratio meets a number of important goals of our community, including:

Preserving Our Heritage: More restrictive parking requirements will mean more buildings being demolished to make way for parking. At approximately 325 square feet per space, most businesses will still need a larger piece of land to meet their parking requirements than they have for the square footage of their building. Doing more to preserve Santa Barbara while ensuring we meet the development needs of our community is important.

Accommodating New Businesses: As the City grows through increased density, there will be more and more of a demand on services. With a limited amount of undeveloped commercial land, finding ways to increase the effective use of that land is an important goal for the community.

Incentivizing Alternate Transportation Options: Residents and visitors alike should look towards alternative ways to access the business districts in our community, a goal Santa Barbara has had for many years. When parking is more difficult to find, more people will choose to access these areas through public transit, bicycle, walking, taxi, Uber/Lyft, etc. The 1:250 ratio for food services parking citywide acknowledges that many have already made this switch, and ensures business owners are not penalized for the continuing change in the habits of the traveling public.

In addition, we believe that the 1:250 ratio will still meet the demands for food services businesses. These businesses generally have customers who are at the location for 60 - 120 minutes, and generally at limited periods of time each day. A parking ratio that is more restrictive means more under utilized parking in our community, limiting our ability to use land throughout the community in a more productive way.

Thank you for your consideration of this matter, and we look forward to working with you in the future.

- Ken Oplinger

Julie Rodriguez

From: Tiffany Haller <tiffany.haller@compass.com>
Sent: Thursday, March 09, 2017 11:48 AM
To: Community Development PC Secretary
Subject: Please distribute to all Planning Commissioners
Attachments: tiffanyhaller-planningcomm-R4.pdf; R-4 Handout-CityCouncilMembers.pdf

Thank you.

Please confirm that these have been distributed prior to the meeting.

Much appreciated,
Tiffany Haller

--

Tiffany Haller
Broker Associate
CalBRE#: 01425049

1283 Coast Village Circle,
Santa Barbara, CA 93108
o: 805.698.6694



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MONTECITO | SANTA BARBARA | BASALT | ASPEN | SAN FRANCISCO

March 9, 2017

RECEIVED
MAR 09 2017

CITY OF SANTA BARBARA
PLANNING DIVISION

Dear Planning Commission,

Thank you for taking the time to look into this R-4 process. After trying for over a year and a half to obtain the permit, I started a group for all of us that cannot get the permit. Our group has grown to over 30 members in R-4. None of us are proposing ANY changes to our existing structures.

Not only is this process meant for a hotel of which we are not nor do we wish to be, the city staff will not accept that the hotel code in and of itself actually EXEMPTS us from any conversion for one unit. It also specifically outlines the parking requirements for R-4 even in the hotel code of which the City chooses to apply their own formula for and disregard the municipal code.

I know this may sound way out there but after a few of us Realtors (as representatives of the R-4 group) have met with 6 City Council Members, it is clear that 4 of them have their own political agenda to protect in this upcoming election and wish to not do anything to help stop what city staff and the city attorney is doing. I caution the city in listening to what the city attorney is saying as we have consulted with attorney Joseph Liebman and a couple others and representatives at the Coastal Commission who believe the city is actively in violation by not defining a vacation rental in the code and specifically in the Coastal Zone for R-4.

We are all law abiding citizens in the legal area that is allowed to rent for less than 30 days. Most of us are in the Coastal Zone and the Coastal Commission representatives have informed us that the city is failing to adopt an ordinance to regulate vacation rentals and is in error to call these single family residences "hotels". The city attorney is sending settlement agreements and actively enforcing these owners who go online and block off a one week stay to use their own properties. It's as if the gestapo has arrived in Santa Barbara and these owners are having to prove they are in fact using their property but really, they are well within their rights in the R-4 to use for less than 30 days, are trying for over a year to get a permit that is by the code exempt yet no city staff will admit it.

Most in our group have hired planner Jarrett Gorin of Vanguard Planning. He is well versed on this topic and I would welcome you to discuss this with him further. He is astonished by what the city is doing and failing to do with these property owners.

This hotel conversion process was never meant to be used for single family residences/ duplexes in the R-4. These are not hotels and no owner wishes for them to be converted to hotels. The neighbors also would not want them converted. As well, the tax implications and future resale on these properties is unknown as the city tells property owners there is no process in place to convert them back to residential after being converted to a hotel.

There is a very simple fix to this issue and it involves adding an ordinance to the LCP/NZO that defines a vacation rental. The City tried in a "back door" way to do this with both the "residential use" change on the NZO and the "Hotel Conversion" Change this past week and that is why we all showed up to the meeting. This was intentional and the goal to get it finally in the code that stays of less than 30 days are in fact a "commercial use". Since Santa Barbara is the only city in the nation to call a vacation rental a commercial use, they know the California Coastal Commission will never approve such a definition and therefore, the LCP and NZO will have a failure to launch.

Another simple fix would be to follow the existing code for the exemption of a single unit under the hotel code and give what is by law required of the city in the way of a Zoning Compliance Letter so that we can get our Business Licenses and continue on. For more than 1 unit, a simple "Conditional Use Permit" much like a "boarding house" in an R-4 zone or a "Wellness Center" could also be a work around. Boarding House is defined in the code and is allowed in R-4. Wellness Centers allow for nightly stays and are allowed in R-4. No where is a "vacation rental".

The city states we are under the Growth Management Plan. We disagree and so does the California Coastal Commission. We are a "residential use" and never wish to be converted to "commercial use". This is an "interpretation" by city staff and is nowhere in the code. If we are to stay "residential use" of which we are, there is no Growth Management Plan that is ever in effect.

We are in the Coastal Zone primarily where the AUD does NOT apply. Here is what we recently heard from the mayor where new political pushback exists...

Following up here – and I'm including Community Development Director George Buell and Senior Planner Renee Brooke to this e-mail as well. I just met with them this morning.

As you know, everything regarding vacation rentals has become complicated on a variety of levels. I don't know if you caught the Council hearing last night regarding the AUD program where there was discussion regarding AUD projects that were presented as rental units and some are now going through a pre-application process to become vacation rentals. I know this is a different situation than the ones you mentioned to me before, but the Council's concern about this aspect complicates and politicizes the issue some more, unfortunately.

I do not foresee the possibility of a council hearing on your request in March. There is an upcoming hearing about vacation rentals to be scheduled in May/June (exact date not determined yet) for the Council to receive an update. I highly encourage you to look to that meeting as the opportunity to request any policies changes in the R-4. To be honest, and as I mentioned to you, I don't currently see the political will of five or more councilmembers wanting to make any changes – but that's what public hearings are for and perhaps there will be some momentum. I will tell you now that I am concerned about any ease of allowing AUD projects to be converted to vacation rentals.

In the meantime, I strongly urge you to again connect with George and Renee about your specific clients' permitting process and as they relate to any current enforcement proceedings. I did talk with them about our meeting and your concerns. At the very least, I think there can be some better understanding about what has been perceived and experienced as mixed directions on the process that has resulted in additional time and expense. In addition, they can discuss with you the concerns and suggestions you mentioned about the enforcement process for your clients who are currently going through the permitting process.

Thank you.

- Helene

We hope you can help us find some resolution with both the discrepancies and the need to define an ordinance in the code. As well, we hope that the commission watches carefully what the city is inserting into existing language in the NZO.

We have been told repeatedly during heated debate over the R-1, R-2 and R-3 controversy that there ARE legal areas allowed to rent for less than 30 days, always has been and there was a process. The city has admitted they are "learning this process along with applicants" and they are applying an incorrect ordinance to vacation rentals.

Please contact me anytime. We cannot handle any more delays and stalling. The money spent thus far to essentially get nowhere is unacceptable.

Thank you,



Tiffany Haller

Real Estate Broker / Property Manager

805-698-6694

Costs incurred so far in the 18 months we have tried to process application for 128 Natoma Ave.

City of Santa Barbara	\$12,550.00
Vanguard Planning	\$7209.00
Teri Malinowski Planning	\$5156.47
Roy Harthorn - Code Consult	\$1000.00
Joseph Liebman - attorney	\$12,550.00
<u>TOTAL</u>	<u>\$38,465.47</u>

*****Please remember, NO physical changes are happening at this location.**

128 Natoma – Timeline to Seek Vacation Rental Permit

- **Monday, August 10, 2015** – went to City Hall to apply for Business License for property. License denied even though zoned R-4. Moratorium on any licenses
- **August 18, 2015** – first email sent to Danny Kato, responded August 27, 2015
- No application given to me as it was “being developed”
- **September 7, 2015** – contacted Helene Schneider, etc. asking what was the hold up?
- **September 10, 2015** – Mayor responds and says she doesn’t know why “my application” is taking so long...they won’t give me one!
- **September 11, 2015** – Danny responds with “preliminary road map” of this new permitting process
- **September 16, 2015** – 1st meeting with Danny & Marisela – told we now need to separate water meters and install commercial meter
- **September 20, 2015** – sent email to city council and Mayor about all this non-sense, changes, additions of fees, requirements and being their “guinea pig”
- **September 28, 2015** – 2nd meeting – George Buell, Marisela Salinas, Renee Brooke – Form requirements actually changed during the meeting and were subsequently changed online
- **November 2, 2015** – 3rd meeting – Danny & Marisela – regarding parking situation and that it was in error.
- **November 6, 2015** – Hired John Cuykundall of Dudek Planning
- **November 17, 2015** – application being worked on with Dudek ready to submit minus water meter situation we need to deal with
- **November 19, 2015** – 4th meeting – Danny & John Cuykendall regarding parking and water meter and submitting application, still no indication of when a “fee schedule” would be available for this permitting process
- **January 7, 2016** – Email from Marisela with their Fee Structure now developed
- **January 20, 2016** – met with Joseph Liebman (attorney) with Ron and Pat, he recommended we speak with Roy Harthorn about the water meters with this historic building
- **February 11, 2016** – Roy Harthorn hired to help with water meter situation
- **March 17, 2016** – Roy writes letter to City water resources Dana Hoffenberg
- **May 18, 2016** – City issues letter to Roy saying separate water meters have never and do not require separate metering. (8 month delayed because of this water metering issue)
- **June 3, 2016** – Teri Malinowski hired to help submit application, told we need to do a “pre consult application” even though we have had 4 meetings in person with the department and head, George Buell over the course of past year. Told it would take 30 days to get a pre consult meeting.
- **June 24, 2016** – Marisela and Danny tell Teri she can submit our Pre consult Applications concurrently, one first for 128 Natoma downstairs and then the Hotel Conversion for both together.
- **June 30, 2016** – Teri submits both Pre-Consult applications to City. Told we would have a meeting scheduled in 30 days
- **July 23, 2016** – Jarrett Gorin hired to take over permitting property.

- **September 13, 2016** – Still no response from City staff. Email sent to Danny and George asking what is going on and why we STILL don't have a preconsult meeting. They apologize and say Marisela has been out for a month and that THEY were in error on originally saying we could submit the 2 concurrently. Was told I would have something soon.
- **October 20, 2016** – Still nothing, Email to George asking if our file has been lost? He informs me that Marisela will have something by Monday, Oct. 24 to us.
- **October 21, 2016** – date letter was written from Marisela however not received by us until 11/2/16. Numerous issues with new ones are listed, parking still inaccurate as to the requirements, water meters are brought up yet again and potentially issues regarding the basement now? Also, after 1 year we are told requirements have changed and we need a Coastal Development Permit and DART process when we have been told in 8 previous emails we are exempt.
- **November 2, 2016** – Enforcement letter sent to Ron regarding illegal use of property as a vacation rental.
- **November 29, 2016** – Letter written to City Staff from Attorney Joseph Liebman on Behalf of Ron Caird disputing need for Coastal Development Permit and DART process. Never heard back from George Buell about this.
- **December 1, 2016** – Application with DART and Coastal Development Permit Submitted to City Staff for 128 Natoma Ave. by Jarrett Gorin
- **December 22, 2016** – 30 day DART meeting – still arguing Coastal Development Permit being needed. Many items in the DART were "made up" by the planning department for instance, item C.2. & 6.B.2. As we are told it can never be converted back to residential after being converted to a vacation rental (by city staff). Parking in item 6.D. Is still not according to the municipal code for R-4 AND the Hotel Conversion, however staff chooses to ignore and use rule of 1 spot per bedroom.
- **January 6, 2017** – Request for Coastal Commission Exemption filed – Note: First draft filed by Renee Brooke at City was completely inaccurate and had to be redacted and resubmitted to Coastal Commission. It was clear that the letter first submitted was an intentional error on part of city.
- **January 10, 2017** – Letter from Coastal Commission stating that while the time share does not categorically exempt the need for a Coastal Development Permit, that really, their code is such that everything is gray. We have spoken to Coastal Commission and they do not require it for short term rentals anywhere along the coast. Santa Barbara city staff does not care what Coastal Commission has said and is choosing to not listen to what Coastal Commission letter states and proceed.
- **March 1, 2017** – Marks 18 months since we started process with city staff. Project cannot move forward due to need for 3 parking spots because of 3 bedroom which goes directly against existing municipal code and numerous other items noted in the DART letter.
 - In hotel conversion code** – 1 unit is EXEMPT for ANY conversion (City will not issue a Zoning Compliance Letter which by law we are told they must if the use is allowed in the zone and not physical changes are happening.
 - In parking requirements for BOTH R-4 and Hotel Conversions** -it specifically states in the code that the parking requirements for 2 bedroom (or more) units with cooking

facilities, are 2 parking spaces. City staff chooses to ignore this and instead apply their own interpretation of 1 space per bedroom.

City of Santa Barbara will NOT address Short Term Vacation Rentals in the NZO or LCP because they consider it a "commercial use". Santa Barbara is the ONLY city in the nation to use a residential dwelling and require it to be converted into a hotel and call it a commercial use. If they add this definition to the code, they know the Coastal Commission will swiftly reject it.

No where in the code is a "vacation rental" or "short term rental" defined so the city staff believes it is a "hotel" and is calling it such and requiring it to be a hotel. And there is where lies the problem.

In 18 months, not 1 property has been permitted in R-4. 79 properties have applied and ALL have hit these similar road blocks and ALL have spent at the very least over \$10,000 in fees in the coastal zone just to apply. The Hotel Conversion is upwards of \$80,000 with no physical changes to the property.

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



January 10, 2017

City of Santa Barbara
Attn.: Renee Brooke, City Planner
630 Garden Street
Santa Barbara, CA 93102-1990

Re: Executive Director Determination for Proposed Short Term Vacation Rental at [REDACTED]
[REDACTED]

Dear Ms. Brooke:

We have reviewed your January 6, 2017 letter requesting a determination of hearing procedures pursuant to Santa Barbara Municipal Code (SBMC) Section 28.44.050.B.2, as to whether the conversion of an existing residential unit located at 128 Natoma Avenue to a short-term vacation rental (STVR) is categorically exempt from Coastal Development Permit (CDP) requirements. As described within the subject letter, the applicant asserts that a STVR is materially similar to a time-share unit, and that because Section 28.44.070 of the SBMC categorically exempts the conversion of an existing, multi-family residential unit to a time-share unit, the conversion of an existing residential unit to a STVR is also categorically exempt.

As the SBMC does not contain a definition of vacation rental, the City has indicated that it considers STVRs to be a use similar to that of a hotel. Based upon the definition of hotel in Section 28.04.395 of the SBMC, the City has also indicated that it considers a STVR to be a non-residential use that is only allowed in certain zones where commercial uses are allowed. As such, the City asserts that the conversion of the subject residential unit into a STVR requires a CDP because it is a change of use from residential to commercial.

The Executive Director agrees that conversion of a residence to a STVR does not qualify as a categorically excluded conversion pursuant to Section 28.44.070 of the SBMC because a STVR does not qualify as a time-share project, estate, or use, as defined in Section 11212 of the Business and Professions Code. However, we disagree with the City's current approach to consider residences used as STVRs as "hotel" uses (pursuant to the City's interpretation of the definition of "hotel" included in the SBMC) for the purpose of prohibiting or limiting STVRs in residential zones. Moreover, the City's certified LCP does not clearly provide that a CDP is required to use an existing single family residence or duplex as a STVR.

As the Commission described in its December 6, 2016 guidance letter on Short-Term/Vacation Rentals in the California Coastal Zone, "the Commission has found that vacation rental prohibitions unduly limit public recreational access opportunities inconsistent with the Coastal Act." See <https://documents.coastal.ca.gov/reports/2016/12/w7a-12-2016.pdf> (Attachment C). Furthermore, the City of Santa Barbara Land Use Plan (LUP) includes policy language that prioritizes visitor-serving recreational facilities, protects lower cost visitor and recreational

facilities, and prohibits removal or conversion of visitor-serving development in certain areas of the City. The LUP also includes several policies that protect coastal resources, including public access.

Due to their function as a high priority visitor-serving use, the Coastal Commission has generally interpreted local zoning ordinances in a broad fashion and found that short term rentals are a form of residential use, permitted by right, in any residentially zoned area unless such uses are specifically prohibited or otherwise restricted. Nonetheless, we also understand and appreciate that these uses may raise a number of neighborhood character and operational issues, such as site management, number of occupants, special events, parking, litter, and noise limits. As such, we support developing reasonable and balanced regulations that can be tailored to address the specific issues within your community to allow for STVRs, while providing appropriate regulation to ensure consistency with applicable laws. We believe that appropriate rules and regulations can address issues and avoid potential problems while complying with Coastal Act and LCP policies to promote public access and protect lower-cost visitor accommodations. Thus, we encourage the City to update its certified LCP to more clearly regulate STVRs in a manner that does not prohibit or unduly limit them.

In summary, the Executive Director agrees with the City's determination that the subject request to convert an existing residential unit to a STVR does not fall within the categorical exclusion for time share conversions pursuant to Section 28.44.070 of the SBMC. However, as described above, Commission staff believes that this request highlights the need for the City to process an LCP amendment to establish clear provisions and coastal development permit requirements that will allow for STVRs and regulate them in a manner consistent with the Coastal Act. As such, Commission staff would strongly recommend the City's pending Round Three LCP Local Assistance Grant include an evaluation of STVRs, as well as the creation of provisions to specifically address this topic.

We look forward to working with you to address the regulation of STVRs within the City. If you have any questions, please don't hesitate to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "JMK Phelps", written in a cursive, flowing style.

Jacqueline Phelps
Coastal Program Analyst

FACTS – Vacation Rentals – R-4 Process

- Santa Barbara Municipal Code does NOT have a definition for “Vacation Rental” Or “Short Term Rental” anywhere.
- Timeshares, Hotels and Bed and Breakfasts are all defined in the Municipal Code however not **Vacation Rentals**.
- California Coastal Commission has asked in 3 letters for City to include short term vacation rentals in the LCP and NZO as it currently is not defined. They refuse. City Council refuses.
- City staff believes and “interprets” the definition of a “hotel” in the municipal code to be the definition of a “residential” vacation rental.
- Vacation Rental handout clearly states: The conversion of an existing residence to a vacation rental is considered by the planning division to be a change-of-use from *residential use* to a *non-residential use* and will require compliance with the following standards described below. A “vacation rental” is a **hotel** when any building, group of buildings, or portion of a building is occupied for overnight stay by individuals for less than 30 consecutive days.
- City Council has told city staff to treat R-4 properties that are “residential” as a **hotel** even though these properties were never intended to be converted to hotels and the owners of these properties do not wish to convert them as such. These owner occupy them, rent them for periods more than 30 days and also less than 30 days. They are residential homes and not hotels by any stretch of the imagination.
- No homeowner of these R-4 properties wishes to “convert” anything. City staff has informed every R-4 owner that there is no process to convert back to residential once converted to “commercial hotel” which each owner does not ever wish to do but is being forced to do.
- Converted Residential to Hotel does “change the neighborhood” and take away residential housing permanently as well as potentially affect homeowner’s ability to sell the property as it no longer qualifies for conventional loans and only attracts investors for what used to be a residential property.
- Due to public controversy in the R-1, R-2 and R-3 zones and now issues surrounding AUD projects and those in support of tenant rights, property owners in the R-4 areas where stays of less than 30 days are legally allowed and have always been, City Council members know that converting these properties to hotels is near impossible and therefore this is essentially a prohibition/ban on short term rentals.
- The discrepancies and constantly evolving process where the goal post is moved more times than an owner can keep track of or pay for, makes it crystal clear this is a politically motivated prohibition.

Attachments

- ✓ California Coastal Commission Letter dated 1-10-17
- ✓ City of Santa Barbara Vacation Rental Handout
- ✓ City of Santa Barbara Hotel Code
- ✓ City of Santa Barbara R-4 Code
- ✓ Timeline for Property- 128 Natoma Ave- working on since Aug. 2015
- ✓ Fact Sheet for R-4 properties seeking to use property in their “allowed” use



City of Santa Barbara

VACATION RENTALS

Please be advised that the following information is subject to change.

The conversion of an existing residence to a vacation rental is considered by the Planning Division to be a change-of-use from a *residential use* to a *non-residential use* and will require compliance with the following standards described below. A "vacation rental" is a hotel when any building, group of buildings, or portion of a building is occupied for overnight stay by individuals for less than 30 consecutive days (See the definition of "hotel" at SBMC §28.04.395).

Please refer to the table below and general standards on page 2 for relevant requirements. A project must comply with all general standards in addition to the project components to qualify the level of review outlined below. Please refer to the Planning Division handouts at www.SantaBarbaraCA.gov/PlanningHandouts for submittal requirements. Additional information may be found on the Vacation Rental webpage.

Planner Consultations or a Pre-Application Review Team (PRT) submittal are highly recommended for projects subject to Staff Hearing Officer or Planning Commission review.

Planning Process for Conversion of Residential Unit to a Vacation Rental		
Number of Existing Residential Units to be Converted	Project Components to Determine Level of Review	Highest Level of Review*
1 Residential Unit	<ul style="list-style-type: none">No exterior changesConverting less than 1,000 s.f.** to the non-residential use (excluding garages and carports)	Staff
	<ul style="list-style-type: none">Exterior changes proposed <u>or</u> Converting between 1,000 - 3,000 s.f.** to a non-residential use (excluding garages and carports)	Architectural Board of Review or Historic Landmarks Commission (Design Review Body)
	<ul style="list-style-type: none">Project located in the Coastal Zone (which requires a Coastal Development Permit) <u>and</u> Converting less than 3,000 s.f.** to the non-residential use (excluding garages and carports)Modification required	Staff Hearing Officer (In addition to design review if required and if no other approval is required by the Planning Commission)
	<ul style="list-style-type: none">Converting more than 3,000 s.f.** to the non-residential use (excluding garages and carports)	Planning Commission (In addition to design review if required)
> 1 Residential Unit	<ul style="list-style-type: none">Hotel Conversion Permit required***	Planning Commission (In addition to design review if required)

*The level of review may vary from this chart depending on additional site specific information or constraints.

**Please refer to the Nonresidential Growth Management Program Ordinance SBMC §28.85 for more information on limitations.

***Planner Consultation recommended prior to any formal submittal.

The following are General Standards that apply to all vacation rental applications.

GENERAL INFORMATION

1. **ALLOWED ZONES.** Vacation rentals are allowed in all zones in which hotels are allowed: R-4, C-L, C-P, C-1, C-2, C-M, HRC-1, HRC-2, HRC-2/OC and M-1 Zones. If the property is not located in one of these zones, a vacation rental is not an allowed use in that zone and cannot be permitted.
2. **BUSINESS LICENSE.** The City of Santa Barbara requires that every person, firm, corporation, partnership or other business organization conducting business within the City obtain a business license. Vacation rental operators must have a business license and pay transient occupancy taxes (TOT). For additional information see <http://www.santabarbaraca.gov/business/license/tot/>
3. **GROWTH MANAGEMENT PLAN MINOR AND SMALL ADDITIONS.** All legal lots that existed as of December 6, 1989 can be allocated up to 1,000 square feet from the Minor Addition category. Only legal lots that are located within the **Downtown Development Area** can apply for square footage from the Small Addition category for 1,000 up to 3,000 square feet.
4. **PARKING.** The parking requirement for a vacation rental is the same as that for hotels: one parking space per sleeping unit (SBMC §28.90.100.J.10). In the case of vacation rentals, a bedroom is considered a sleeping unit. Additional parking may be required if the project is located in the C-P Zone, S-D-2 Overlay Zone, or the Central Business District. Contact Planning Staff for assistance with this determination.
5. **RESIDENTIAL PERMIT PARKING PROGRAM.** If a residential unit (or portion thereof) is converted to a vacation rental, that unit (or portion thereof) will no longer be eligible to be part of the Residential Permit Parking Program.
6. **SETBACKS.** Buildings must comply with the required setbacks. Non-conforming buildings require approval of zoning modification(s) for a change-of-use in the setbacks.
7. **TENANT DISPLACEMENT ASSISTANCE ORDINANCE (SBMC §28.89).** Proposals that are limited to the conversion of only one existing residential unit shall comply with the provisions in the Tenant Displacement Assistance Ordinance (TDAO). A sixty (60) day Notice of Intent must be provided prior to filing any application and certification of displacement assistance to all eligible resident households must be provided prior to the issuance of a permit.

Projects that involve more than one unit are subject to the Hotel Conversion Ordinance and must comply with the Tenant Protection Provisions outlined in SBMC §28.88.
8. **WATER USAGE.** A separate water meter may be required for vacation rentals. Commercial rates will apply to water and sewer usage. Please contact Water Resources Staff for more information.
9. **OTHER DEPARTMENTAL REVIEW.** The conversion of existing residential units to a vacation rental may require additional upgrades, permits, or review from the City Building and Safety Division, the Fire Department, or Public Works Department. Review all proposals with the Building and Safety Division and Fire Department for any code related questions and requirements, such as fire partitions between sleeping units.
10. **ADDITIONAL LIMITATIONS.** Be advised that additional limitations may apply related to project location and development history. Please review all records, documents, agreements, associated with your existing site.

DISCRETIONARY REVIEW INFORMATION

1. **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).** CEQA may apply to your project. Projects subject to design review, Staff Hearing Officer or Planning Commission review are discretionary projects subject to CEQA.
2. **COASTAL ZONE.** Projects located in the Coastal Zone (SD-3 Zone) will require a Coastal Exemption or a Coastal Development Permit and be subject to those submittal requirements. Contact Planning Staff for assistance with this determination.
3. **DESIGN REVIEW.** Design review approval by either the Architectural Board of Review (ABR) or the Historic Landmarks Commission (HLC) is required for any exterior alterations to existing or proposed non-residential buildings. *Examples include new parking spaces, changes to doors and windows, landscape, building colors, etc.*
4. **DEVELOPMENT PLAN APPROVAL.** The conversion of residential units to vacation rentals requires the allocation of non-residential square footage as described in SBMC §28.85. The cumulative allocation of more than 1,000 square feet requires Development Plan Approval as outlined in SBMC §28.85. Please refer to the Nonresidential Growth Management Program (GMP) – Common Questions handout for additional guidance with the applicability of the Nonresidential Growth Management Program (GMP). Be advised that additional limitations may apply related to project location and development history. Projects which require allocation in excess of what is allowed on the site, will need to obtain additional square footage allocation as outlined in Transfer of Existing Development Rights (TEDR) SBMC §28.95.
5. **HOTEL CONVERSION PERMIT.** All projects proposing to convert two or more units are subject to compliance with the Hotel Conversion Ordinance SBMC §28.88 and require the issuance of a Hotel Conversion Permit. Please refer to the ordinance for additional standards, application, and submittal requirements.
6. **MAILED NOTICING REQUIREMENTS.** Ministerial permits do not require mailed noticing to neighbors. A 10-day notice will be provided to neighbors if required under SBMC §22.68.040.A or SBMC §22.22.132.A, for projects subject to design review. A 10-day notice will be provided to the neighbors for all projects subject to review by the Staff Hearing Officer or Planning Commission review and approval.
7. **STAFF HEARING OFFICER OR PLANNING COMMISSION APPROVALS.** Refer to the Development Application Review Team (DART) Informational and Submittal Packets for information on the process and submittal requirements. Refer to the Modification and Performance Standard Permit Submittal Process handout for projects which only require a zoning modification. Once a complete application is submitted, the project will be placed on agenda to be reviewed by either the Planning Commission or Staff Hearing Officer. *Note: If the project consists of a zoning modification only, a pre-consultation is required prior to submittal.*
8. **STORM WATER MANAGEMENT PROGRAM (SWMP).** Discretionary projects must comply with Storm Water Management Program requirements, if applicable.

Chapter 28.21

R-3 LIMITED MULTIPLE-FAMILY RESIDENCE ZONE AND R-4 HOTEL-MOTEL-MULTIPLE RESIDENCE ZONE

Sections:

28.21.001	In General.	28.21.080	Lot Area and Frontage Requirements.
28.21.005	General Description and Legislative Intent.	28.21.081	Outdoor Living Space.
28.21.030	Uses Permitted.	28.21.085	Regulations for Nonresidential Buildings, Structures and Uses.
28.21.035	Uses Permitted Upon the Issuance of a Conditional Use Permit or Performance Standard Permit.	28.21.090	Other Requirements.
28.21.050	Building Height.	28.21.100	Off-street Parking.
28.21.060	Setbacks.	28.21.110	Signs.
28.21.065	Reduction of Setback Requirements.	28.21.120	Public Street Requirements.
28.21.070	Distance Between Buildings on the Same Lot.	28.21.130	Development Plan Approval.
		28.21.131	Development Potential.

28.21.001 In General.

The following regulations shall apply to both the R-3 Limited Multiple-Family Residence Zone and the R-4 Hotel-Motel-Multiple-Residence Zone unless otherwise provided in this ordinance. (Ord. 3710, 1974; Ord. 2585, 1957.)

28.21.005 General Description and Legislative Intent.

1. R-3 ZONE.

This is a restricted residential district of high density in which the principal use of land is for multiple-family dwellings, together with recreational, religious and educational facilities required to serve the community. The regulations for this district are designed and intended to establish, maintain and protect the essential characteristics of the district, to develop and sustain a suitable environment for family life and to prohibit activities of a commercial nature and those which would tend to be inharmonious with or injurious to the preservation of a residential environment.

2. R-4 ZONE.

This is a hotel-motel multiple residence district in which the principal use of land is intended to be for multiple housing, together with recreational, religious and educational facilities required to serve the community. The provisions of this ordinance are intended to provide a pleasant and healthful environment by establishing provisions for usable open spaces.

It is the intent of this district to allow hotels and similar establishments, including related recreational, conference center and other auxiliary uses primarily for use by hotel guests, while protecting the existing housing stock, and to preserve the residential character of those neighborhoods which are still primarily residential. In addition, the preservation of buildings of architectural and/or historical significance shall be encouraged. A conversion permit will be required in order to convert existing dwelling units for the purpose of providing hotel or similar uses.

Regulations for this district are designed to control activities of a retail commercial nature and those which would tend to be inharmonious with housing. Restaurants intended to serve the visitors using the established hotels and motels in the immediate vicinity are permitted subject to approval of a conditional use permit. (Ord. 4199, 1983; Ord. 4018 §1, 1979; Ord. 3710, 1974; Ord. 2585, 1957.)

28.21.030 Uses Permitted.

A. R-3 ZONE.

1. Any use permitted in the R-2 Zone and subject to the restrictions and limitations contained therein, except that any use specifically mentioned hereafter shall be subject to the restrictions of the R-3 Zone.

2. One-, two-, and multiple-family dwellings.

3. Community care facilities, residential care facilities for the elderly and hospices serving 7 to 12 individuals subject to the provisions in Chapter 28.93.

B. R-4 ZONE.

1. Any use permitted in the R-3 Zone and subject to the restrictions and limitations contained therein, except that any such use specifically mentioned hereafter shall be subject to the restrictions of the R-4 Zone.

2. Hotels and related recreational, conference center and other auxiliary uses primarily for use by hotel guests. Any hotels, when units are designed or constructed with cooking facilities shall, as to such units, be subject to the lot area per unit requirements of the R-4 Zone and to the parking requirements for multiple family units required in Subsection 28.90.100.G.3 of this Code. Such hotels when designed, constructed or used for either twenty-four (24) or more dwelling units, or fifty (50) guest rooms or more may include a business, except a restaurant, conducted therein for the convenience of the occupants and their guests; provided entrance to such places of business be from the inside of such buildings; that the floor area used for all the businesses in the facility shall not exceed thirty percent (30%) of the total ground floor area of all the buildings comprising the hotel which are on a single lot or contiguous lots; and provided further that no street frontage of any such building shall be used for such business. Any hotel, regardless of the number of units or rooms therein, may include a restaurant for use by the hotel occupants and their guests only, provided that such facility conforms to all other requirements imposed on any "business" by this paragraph. A restaurant not conforming to all other requirements imposed on any "business" by this paragraph or not for use solely by hotel occupants and their guests may be established only if a conditional use permit is obtained for operation of a restaurant under Chapter 28.94 of this Code. (Ord. 4858, 1994; Ord. 4199, 1983; Ord. 3710, 1974; Ord. 2585, 1957.)

28.21.035 Uses Permitted Upon the Issuance of a Conditional Use Permit or Performance Standard Permit.

As provided in Chapters 28.93 and 28.94 of this ordinance. (Ord. 5380, 2005; Ord. 3710, 1974; Ord. 2585, 1957.)

28.21.050 Building Height.

Three (3) stories, which three (3) stories combined shall not exceed (i) forty-five feet (45') nor (ii) exceed the height limitations imposed for the protection and enhancement of solar access by Chapter 28.11 of this Code. (Ord. 4426, 1986; Ord. 3710, 1974; Ord. 2585, 1957.)

28.21.060 Setbacks.

The following setbacks shall be observed on all lots within these zones:

A. Front Setback. A front setback of not less than the indicated distance shall be provided between the front lot line and all buildings, structures, and parking on the lot, as follows:

1. One or two story building or structure: 10 feet
2. Three story building or structure: 15 feet; however, if the net floor area of the third floor is less than fifty percent (50%) of the net floor area of the first floor building footprint, the front setback shall be reduced as follows:
 - a. Ground floor portions: 10 feet
 - b. Second story portions: 10 feet
 - c. Third story portions: 20 feet
3. Parking that does not back out onto the street: 10 feet
4. Parking that backs out onto the street: 20 feet

B. Interior Setback. An interior setback of not less than the indicated distance shall be provided between the interior lot line and all buildings, structures, and parking on the lot as follows:

1. One or two story building or structure: 6 feet
2. Three story building or structure: 10 feet; however, if the net floor area of the third floor is less than fifty percent (50%) of the net floor area of the first floor building footprint, the interior setback shall be reduced as follows:
 - a. Ground floor portions: 6 feet
 - b. Second story portions: 6 feet
 - c. Third story portions: 10 feet
3. Garage, carport or uncovered parking: 6 feet; however, if the width of the lot is less than fifty-five (55) feet at the opening of a garage or carport, the garage or carport opening does not face the street, and the interior depth of the garage or carport does not exceed twenty (20) feet, the setback may be reduced by up to 3 feet by the design review body that reviews the project.

C. Rear Setback. A rear setback of not less than the indicated distance shall be provided between the rear lot line and all buildings, structures, and parking on the lot:

1. Ground floor portions: 6 feet
2. Second story portions: 10 feet
3. Third story portions: 10 feet
4. Garage, carport, or uncovered parking: 3 feet

For purposes of this section, a rear setback shall be provided from the lot line opposite to the front lot line. In the event of two or more front lot lines, the rear setback shall be provided from the lot line opposite to any of the front lot lines. (Ord. 5459, 2008.)

28.21.065 Reduction of Setback Requirements.

It is hereby declared that under the following conditions a physical hardship exists on all R-3 and R-4 Zone lots, and that the listed modifications are hereby granted where the stated conditions exist.

Other provisions of this title notwithstanding, a conforming addition may be made to an existing nonconforming dwelling where such nonconformance is due to inadequate front setback or interior setbacks, providing said dwelling complied with the setbacks required by ordinance at the time of construction. (Ord. 5459, 2008; Ord. 3710, 1974; Ord. 3587, 1973.)

28.21.070 Distance Between Buildings on the Same Lot.

No main building shall be closer than fifteen feet (15') to any other main building on the same lot, except that a one-story building shall be no closer than ten feet (10') to another one-story building. (Ord. 3710, 1974; Ord. 2585, 1957.)

28.21.080 Lot Area and Frontage Requirements.

A. Minimum Lot Size and Frontage for New Lots. Every lot hereafter created in an R-3 and R-4 Zone shall contain at least fourteen thousand (14,000) square feet and sixty feet (60') of frontage on a public street.

B. Lots Less Than 5,000 Square Feet. Existing lots of less than five thousand (5,000) square feet of net lot area may be used as a building site for a one-family dwelling, provided that all other regulations of the zone prescribed by this title are observed.

C. Existing Lots of 5,000 to 6,999 Square Feet. Existing lots of 5,000 to 6,999 square feet of net lot area, inclusive, may be used as a building site for two (2) dwelling units, provided that all other regulations of the zone prescribed by this title are observed.

D. Lots of 7,000 to 13,999 Square Feet. Existing lots of 7,000 to 13,999 square feet of net lot area, inclusive, may be used as a building site for three (3) units, provided that all other regulations of the zone prescribed by this title are observed.

E. Lots of 14,000 Square Feet or More. For lots of fourteen thousand (14,000) square feet or more of net lot area, a minimum of three thousand five hundred (3,500) square feet of net lot area shall be provided for each dwelling unit hereafter erected.

F. Variable Density in Certain Zones. Lots in the R-3, R-4, C-1, C-2, C-M and R-O Zones, as well as lots in the HRC-2 and OC Zones where residential uses are allowed by the Local Coastal Plan, may be used as a building site for more units than permitted in paragraphs B, C, D and E above if the number of bedrooms in the dwelling unit is limited in accord with the following:

1. Studio unit - one (1) unit per 1,600 square feet of lot area;
2. 1 bedroom unit - one (1) unit per 1,840 square feet of lot area;
3. 2 bedroom unit - one (1) unit per 2,320 square feet of lot area;
4. 3 or more bedroom unit - one (1) unit per 2,800 square feet of lot area.

Existing lots with less than 5,000 square feet of net lot area shall not be used as a building site under this Subsection (F) for more than two (2) dwelling units. This Subsection (F) shall be applicable in the R-3, R-4, C-1, C-2, C-M, R-O, HRC-2 and OC Zones and not in any other zone. The fact that a lot may be subject to an overlay zone, including, but not limited to, the S-D-2 or S-D-3 Overlay Zones, does not prohibit the application of variable density if variable density is otherwise allowed in the base zoning of the lot. (Ord. 5459, 2008; Ord. 5343, 2005; Ord. 4772, 1992; Ord. 3950 §1, 1978; Ord. 3753, 1975.)

28.21.081 Outdoor Living Space.

Every lot in this zone shall provide outdoor living space in accordance with either of the following methods:

A. Private Outdoor Living Space Method. Lots providing outdoor living space in accordance with this method shall provide each of the spaces described in paragraphs 1-3 below:

1. Private Outdoor Living Space. Private outdoor living space shall be provided for each dwelling unit as follows:

a. Minimum size. The private outdoor living space shall be not less than the size specified below based on the number of bedrooms in the dwelling unit and the location where the private outdoor living space is provided:

- (1) Ground floor:
 - (a) Studio unit - 100 square feet
 - (b) 1 Bedroom unit - 120 square feet
 - (c) 2 Bedroom unit - 140 square feet
 - (d) 3 or more Bedroom unit - 160 square feet
- (2) Second or higher story:
 - (a) Studio unit - 60 square feet
 - (b) 1 Bedroom unit - 72 square feet
 - (c) 2 Bedroom unit - 84 square feet

Chapter 28.88

CONVERSION OF DWELLING UNITS TO CONDOMINIUMS, HOTELS OR SIMILAR USES

Sections:

28.88.010	Purpose.	28.88.060	Additional Submittals for Conversions to Condominiums or Hotel Units.
28.88.020	Community Apartments and Stock Cooperatives.	28.88.070	Acceptance of Reports.
28.88.025	Date of Conversion.	28.88.080	Copy to Buyers.
28.88.028	Permit Required; Exceptions.	28.88.090	Hearing.
28.88.029	Issuance of Permits.	28.88.100	Tenant Protection Provisions.
28.88.030	Requirements and Procedures.	28.88.110	Effect of Proposed Conversion on the City's Low- and Moderate-Income Housing Supply.
28.88.040	Physical Standards for Condominium Conversions.	28.88.120	Findings.
28.88.045	Conversions of Dwelling Units to Hotels or Similar Uses.	28.88.130	Maximum Number of Conversions.
28.88.050	Application Requirements for Condominium and Time Share Conversions.		
28.88.055	Application Requirements for Conversions to Hotels or Similar Uses.		

28.88.010 Purpose.

- A. To establish criteria for the conversion of existing multiple family rental housing to condominiums, community apartments, cooperative apartments, hotels or similar uses.
- B. To reduce the impact of such conversions on residents in rental housing who may be required to relocate due to the conversion of apartments to condominiums, community apartments, and stock cooperatives, hotels or similar uses by providing procedures for notification and adequate time and assistance for such relocation.
- C. To insure that the purchasers of converted housing have been properly informed as to the physical condition of the structure which is offered for purchase.
- D. To insure that converted housing achieves high quality appearance and safety, and is consistent with the goals of the City's General Plan and conforms or is legally nonconforming with the density requirements of the General Plan's Land Use Element.
- E. To attempt to balance the opportunity for housing ownership of all types, for all levels of income and in a variety of locations with the need to maintain a supply of rental housing which is adequate to meet the housing needs of the community.
- F. To attempt to maintain a supply of rental housing for low and moderate income persons and families. (Ord. 4716, 1991; Ord. 4606, 1989; Ord. 4199, 1983; Ord. 4014 §1, 1979; Ord. 4000 §2, 1979.)

28.88.020 Community Apartments and Stock Cooperatives.

Conversion to community apartments and stock cooperatives shall be subject to the same restrictions, conditions, and requirements as condominiums. All references to a "condominium" in this Chapter shall be deemed to include community apartment, and stock cooperative, except where specifically noted. (Ord. 4606, 1989; Ord. 4199, 1983; Ord. 4000 §2, 1979.)

28.88.025 Date of Conversion.

As used in this Chapter, the "date of conversion" for condominium conversions shall mean the date the final or parcel map for the project is filed with the County Recorder following its approval by the Staff Hearing Officer or Planning Commission or, if an appeal is filed, by the City Council. For hotels or similar uses, the "date of conversion" is the date of issuance of the conversion permit by the Chief Building Official after the Staff Hearing Officer or Planning Commission, or the City Council on appeal, approves the conversion. (Ord. 5380, 2005; Ord. 4606, 1989; Ord. 4199, 1983; Ord. 4048, 1980; Ord. 4000 §2, 1979.)

28.88.028 Permit Required; Exceptions.

A. **PERMIT REQUIRED.** No person, firm, corporation, partnership or other entity shall convert existing dwelling units to a condominium, hotel or similar use without first having said conversion approved by the Planning Commission or the City Council on appeal, and having been issued a conversion permit by the Chief Building Official. For conversions of dwelling units to condominium units, the body that shall serve as the Advisory Agency for the required subdivision, as specified in Section 27.03.010 of this Code, shall review the application for the conversion pursuant to this Chapter 28.88.

B. EXCEPTIONS TO REQUIREMENTS FOR CONVERSION PERMITS.

The following shall be exempt from the provisions of this Chapter:

1. A project creating a condominium, hotel or similar use and using no more than one (1) existing dwelling unit as part of said project shall not be considered a conversion. To qualify for this exception, the number of dwelling units on the project site shall not have been previously reduced by use of this exception clause. For the purposes of this exclusion, the number of existing dwelling unit(s) shall be determined on the date of application for the permit. If the project calls for destruction of the structure housing the dwelling unit(s), those units shall not be counted as existing unit(s).

2. A stock cooperative or community apartment which has received final approval from the California Department of Real Estate or has otherwise been legally created prior to the adoption date of the ordinance establishing this Chapter.

No exception under this Subsection shall affect the applicability of the Zoning Ordinance, the California Building Code as adopted and amended by the City, or other applicable ordinances or regulations. (Ord. 5451, Section 5, 2008; Ord. 5380, 2005; Ord. 4716, 1991; Ord. 4606, 1989; Ord. 4199, 1983; Ord. 4000 §2, 1979.)

28.88.029 Issuance of Permits.

The Chief of Building and Zoning shall issue a conversion permit when he determines that:

A. The applicant has complied with all the applicable City or State regulations in effect at the time the conversion application was deemed to be complete, and

B. The applicant has complied with the conditions of approval.

Once issued, the conversion permit can be revoked only because of the failure of the applicant or his successors in interest to comply with the conditions of approval.

An approval shall expire if the tentative subdivision map expires. For hotels or similar uses, an approval shall expire in the same period of time as projects requiring a tentative map unless a conversion permit has been issued by the Chief of Building and Zoning. (Ord. 4606, 1989; Ord. 4199, 1983; Ord. 4048, 1980; Ord. 4000 §2, 1979.)

28.88.030 Requirements and Procedures.

No existing building containing a dwelling unit shall be approved for conversion to a condominium or hotel unless it meets the standards set forth in the following requirements:

A. All residential buildings shall, on the date of conversion, be in compliance with the minimum standards of the Uniform Housing Code as adopted by the City of Santa Barbara and those of the State of California.

B. All buildings shall, on the date of conversion, be in compliance with the exit and occupancy requirements and the height and area requirements for the type of construction and occupancy involved as outlined in the California Building Code as adopted and amended by the City.

C. All buildings sought to be converted are, on the date of conversion, in all respects in compliance with the Zoning Ordinance and the goals and policies of the General Plan, or legally nonconforming therewith. Notwithstanding the provisions of Santa Barbara Municipal Code Section 28.87.030, any legally nonconforming building or buildings for which a condominium conversion application is approved may be remodeled or otherwise physically changed provided the changes do not increase or intensify the element of the building that is nonconforming.

D. All condominium projects differentiated from hotels or similar uses, shall be subject to all applicable provisions of the Subdivision Map Act and Title 27 of this Code.

E. Once a building permit has been issued, a building may not be converted unless the certificate of occupancy for the building was issued more than five (5) years prior to the date the owner files with the City an application for the approval of a tentative condominium map or conversion to a hotel or similar use, unless the building satisfies the City's requirements for new condominium construction. (Ord. 5451, Section 5, 2008; Ord. 4606, 1989; Ord. 4199, 1983; Ord. 4000 §2, 1979.)

28.88.040 Physical Standards for Condominium Conversions.

To achieve the purpose of this article, the Staff Hearing Officer or Planning Commission, prior to the date of conversion, shall require that all condominium conversions conform to the Santa Barbara Municipal Code in effect at the time of approval except as otherwise provided in this Chapter. The Staff Hearing Officer or Planning Commission, prior to the date of conversion, shall require conformance with the standards of this section in approving an application for conversion.

A. **UNIT SIZE.** The enclosed living or habitable area of each unit shall be not less than 600 square feet.

B. **FIRE PREVENTION.**

1. **Smoke Detectors.** Each living unit shall be provided with approved detectors of products of combustion other than heat conforming to standards of the California Building Code as adopted and amended by the City, mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes.

2. **Maintenance of Fire Protection Systems.** All on-site fire hydrants, fire alarm systems, portable fire extinguishers, and other fire protective appliances shall be retained in an operable condition at all times, maintained by the Homeowner's Association and delineated in the Covenants, Conditions and Restrictions.

C. SOUND TRANSMISSION.

Wall and floor-ceiling assemblies shall conform to Title 25, California Code of Regulations, Section 1092, or its successor, or permanent mechanical equipment, including domestic appliances, which is determined by the Chief Building Official to be a potential source of vibration or noise, shall be shock mounted, isolated from the floor and ceiling, or otherwise installed in a manner approved by the Chief Building Official to lessen the transmission of vibration and noise. Floor covering may only be replaced by another floor covering that provides the same or greater insulation. The requirements of this paragraph shall not apply to a unit in a building with no other unit(s).

D. UTILITY METERING.

1. The consumption of gas and electricity within each unit shall be separately metered so that the unit owner can be separately billed for each utility. Each unit shall have its own electrical panel, or access thereto, for all electrical circuits which serve the unit. A gas shut-off valve shall be provided for each unit and for each gas appliance.

2. Each dwelling unit shall be served by a separate City water meter. An additional separate City meter shall be provided to serve the landscaped areas in projects that include five or more dwelling units.

3. All plumbing fixtures shall conform to the standards for water saving devices as contained in the Uniform Plumbing Code as adopted and amended by the City of Santa Barbara in Chapter 22.04 of this Code.

4. An exception to any requirement of this subsection may be granted by the Staff Hearing Officer or Planning Commission if the following requirements are met:

a. A licensed engineer has determined that compliance with the requirement cannot practically be accomplished and the applicant has included alternative measures to accomplish conservation equivalent to that which would be expected through compliance with the requirement;

b. The Public Works Director has reviewed the proposed exception and the proposed alternative measures and has concurred that equivalent conservation is likely to be accomplished as a result thereof. Measures proposed as alternatives to the water conservation requirements of this subsection may include, but are not limited to, installation of privately owned sub-meters on each dwelling unit, conversion of existing landscaped areas to conform with current standards for water conserving landscaping, and installation of additional separate City meters to serve groups of dwelling units.

E. **PRIVATE STORAGE SPACE.** Each unit shall have at least 200 cubic feet of enclosed weatherproofed and lockable private storage space, in addition to guest, linen, pantry, and clothes closets customarily provided. Such space shall be for the sole use of the unit owner. Such space shall be accessible from the garage or parking area for the units it serves.

F. **LAUNDRY FACILITIES.** A laundry area shall be provided in each unit; or if common laundry areas are provided, such facilities shall consist of not less than one automatic washer and dryer for each five units or fraction thereof.

G. **CONDITION OF EQUIPMENT AND APPLIANCES.** The applicant shall provide written certification to the buyer of each unit on the initial sale after conversion that any dishwashers, garbage disposals, stoves, refrigerators, hot water tanks, and air-conditioners that are provided are in working condition as of the close of escrow. At such time as the Homeowner's Association takes over management of the development, the applicant shall provide written certification to the Association that any pool and pool equipment and any appliances and mechanical equipment to be owned in common by the Association is in working condition.

H. **PUBLIC EASEMENTS.** The applicant shall make provisions for the dedication of land or easements for street widening, public access or other public purpose in connection with the project where necessary and in accordance with established planned improvements.

I. **REFURBISHING AND RESTORATION.** All main buildings, structures, fences, patio enclosures, carports, accessory buildings, sidewalks, driveways, landscaped areas, irrigation systems, and additional elements as required by the Staff Hearing Officer or Planning Commission shall be refurbished and restored as necessary to achieve high quality appearance and safety.

J. **PARKING STANDARDS.** The off-street parking requirements for a conversion project shall be one and one-half (1½) parking spaces per unit for one bedroom or efficiency units and two (2) parking spaces per unit for units containing two or more bedrooms.

K. **PHYSICAL ELEMENTS.** Any physical element identified in the Physical Elements Report as having a useful life of less than two (2) years shall be replaced.

L. **OUTDOOR LIVING SPACE.** Outdoor living space for a conversion project shall be provided as required in MC §28.21.081.

M. **HANDICAPPED ACCESSIBILITY AND ADAPTABILITY.** All conversions involving five or more units shall meet the accessibility and adaptability requirements of the State Housing and Community Development Commission.

N. **EXCEPTIONS.** The Staff Hearing Officer or Planning Commission may grant an exception to the physical standards set forth in Subsections A, E, F, J, L, and M of this Section if it makes any of the following findings:

1. The economic impact of meeting the standard is not justified by the benefits of doing so.
2. The project includes design features or amenities which offset the project's failure to meet the standard.
3. The project includes provisions for low-, or moderate-income sales restrictions on the converted units beyond what is otherwise required in this Chapter that offset the project's failure to meet the standard.
4. The project's proximity to public open space could partially offset the project's lack of on-site open space. (Ord. 5451, Section 5, 2008; Ord. 5380, 2005; Ord. 4716, 1991; Ord. 4606, 1989; Ord. 4000 §2, 1979.)

R-4 Process (Vacation Rentals) – Key Points City Council to Address
(Realtors: Tiffany Haller, Samantha Ireland, Ken Switzer on behalf of 32, R-4 Property Owners)

Facts / Discrepancies (a few highlighted here)

- R-4 properties are and have always been legal to rent for less than 30 days
- R-4 properties are not part of the R-1, R-2, R-3 zones and are located in the hotel, motel mixed residential areas of Santa Barbara
- “Vacation Rental” is not defined anywhere in our municipal code
- Since “vacation rental” is not defined anywhere in the code, planning division’s “interpretation and application” is that it is a “hotel” which is not its intended use.
- The need for any “conversion” for 1 unit, municipal code specifically states no conversion is needed yet city staff say otherwise.
- The need to convert residential property used for residential purposes to a “hotel” through a hotel conversion is an expensive and onerous process and not meant for a vacation rental which is residential use as treated in most if not all cities across the country and as described by the California Coastal Commission
- The R-4 and Hotel Conversion Parking Requirements in the code are not being addressed by city staff
- The need for a Coastal Development Permit & DART based on city attorney deeming these properties “and intensification of use” is not agreed upon by California Coastal Commission
- No consistent path as of yet. Process changes repeatedly during the pre and application phase. New fees and requirements for same property are added and changed.
- Similar properties with similar characteristics given different requirements

Immediate Relief

- We would like City Council to consider and approve a suspension of enforcement against Vacation Rentals located within the R-4 zone through September 2017 to allow operators to accommodate peak tourist season demand while the Guidelines discussed in “long term goals” below are discussed, developed and adopted.
- We would like the city staff to potentially work with a committee within the SBAOR that includes planners, to help develop a reasonable process to obtain a vacation rental permit which involves no conversion of residential properties to hotels.

Long Term Goals

- Together with City Staff and potentially the same committee that helped worked on ZIR’s with the city at the SBAOR, a process that is fair, balanced and provides guidelines is put into place for those seeking to get a Vacation Rental Permit in the R-4 Zones
- Discrepancies, flaws and inconsistencies in the requirements with the current system are addressed and all stakeholders are in agreement with these guideline to permit and regulate Vacation Rentals in the R-4 Zone.
- City will know where all the Vacation Rentals are and be able to reap the tax revenue from these properties rather than these properties going underground
- City will be in line with the Coastal Act of 1976
- Assist the city in the LCP in regards to the CCC desire to have this addressed for STVRs

R-4 Process (Vacation Rentals) – Key Points City Council to Address

POINT #1 – IS A CONVERSION NEEDED FOR 1 UNIT?

Facts

- Nowhere in the code is “vacation rental” defined. Time share & hotel are both defined.
- “Vacation Rental Conversion” Handout says ...

VACATION RENTALS

Please be advised that the following information is subject to change. The conversion of an existing residence to a vacation rental is considered by the Planning Division to be a change-of-use from a residential use to a non-residential use and will require compliance with the following standards described below.

- This is an “interpretation by the planning department to call it “non-residential use”, essentially “commercial use”.
- With no formal definition in the code for “vacation rental” the planning department further defines it in the “Vacation Rental Conversion” Handout...
A “vacation rental” is a hotel when any building, group of buildings, or portion of a building is occupied for overnight stay by individuals for less than 30 consecutive days (See the definition of “hotel” at SBMC §28.04.395).
- The “Vacation Rental Conversion” handout then goes on to state a process whereby if you are 1 unit you need to go through process: “Conversion of Residential Unit to a Vacation Rental”
If you have more than 1 unit, the process is: “Hotel Conversion”

***If you look at it as they say it being a “hotel”, the municipal code clearly states the following:**

HOTEL CONVERSIONS

28.88.028 Permit Required; Exceptions.

B. EXCEPTIONS TO REQUIREMENTS FOR CONVERSION PERMITS. The following shall be exempt from the provisions of this Chapter: 1. A project creating a condominium, hotel or similar use and using no more than one (1) existing dwelling unit as part of said project shall not be considered a conversion. To qualify for this exception, the number of dwelling units on the project site shall not have been previously reduced by use of this exception clause. For the purposes of this exclusion, the number of existing dwelling unit(s) shall be determined on the date of application for the permit. If the project calls for destruction of the structure housing the dwelling unit(s), those units shall not be counted as existing unit(s). 2. A stock cooperative or community apartment which has received final approval from the California

Important Points

1. California Coastal Commission calls this a “residential use”. They also state this requirement of “hotel” as a way to prohibit STVR’s in the residential zones. We have a formal opinion from them.
2. Nowhere in any city, state that we are aware of is a vacation rental classified as a “commercial use” and a homeowner responsible for converting property to a hotel
3. City does not have a process to convert property back to residential use if owner decides to change this at a later date.
4. Homeowner is forced to sell their property as a commercial building in the future if they are forced to convert to non-residential/commercial use.

R-4 Process (Vacation Rentals) – Key Points City Council to Address

POINT #2 – PARKING REQUIREMENTS FOR VACATION RENTALS / HOTELS

Codes

- City staff say that parking shall consist of “1 space per sleeping quarter”. So in essence, a 4 bedroom home needs 4 parking spaces. This is inconsistent with numerous codes for both R-4 and Hotel Conversions as they relate to R-4 properties.

SBMC Section 28.21.030 identifies hotels as a permitted use in the zone district and specifies what the parking requirement is for that type of use:

Chapter 28.21 R-3 LIMITED MULTIPLE-FAMILY RESIDENCE ZONE AND R-4 HOTEL-MOTEL-MULTIPLE RESIDENCE ZONE

28.21.030 Uses Permitted.

2. Hotels and related recreational, conference center and other auxiliary uses primarily for use by hotel guests. Any hotels, when units are designed or constructed with cooking facilities shall, as to such units, be subject to the lot area per unit requirements of the R-4 Zone and to the parking requirements for multiple family units required in Subsection 28.90.100.G.3 of this Code.

Section 28.90.100.G.3 identifies the specific parking requirement here below.

28.90.100.G.3

Multiple Residential Unit.

- Studio: one and one quarter (1-1/4) spaces per residential unit.
- One bedroom: one and one-half (1-1/2) spaces per residential unit.
- Two (2) or more bedrooms: two (2) spaces per residential unit.
- When there are six (6) or more residential units on a lot or parcel, one (1) space for every four residential units shall be provided for guests.

The above language clearly states that for units with two or more bedrooms, 2 spaces are required. It does not say a space is required for each bedroom.

Section 28.88 from the hotel conversion ordinance section identifies the parking requirement for “units containing two or more bedrooms” as 2 spaces.

Chapter 28.88 CONVERSION OF DWELLING UNITS TO CONDOMINIUMS, HOTELS OR SIMILAR USES

J. PARKING STANDARDS. The off-street parking requirements for a conversion project shall be one and one-half (1½) parking spaces per unit for one bedroom or efficiency units and two (2) parking spaces per unit for units containing two or more bedrooms.

Section 28.88.045 re-confirms that the parking standards identified above are what should apply to these projects:

28.88.045 Conversions of Dwelling Units to Hotels or Similar Uses.

Conversion of existing dwelling units to hotels or similar uses in the R-4 Zone and zones in which R-4 uses are allowed shall be subject to all applicable Sections of this Chapter and of Chapter 28.21 of this Code. In addition, the following standards shall apply:

- LIGHTING.** All outdoor lighting shall be hooded or shielded so that no direct beams fall on adjacent property. When outdoor lighting is provided, indirect soft lighting and low garden lighting shall be used whenever possible, and shall be required as necessary to assure compatibility with adjacent and surrounding properties.
- PARKING.** Off-street parking shall be provided as required in Chapter 28.90 or Subsection 28.88.045.C.5 of this Chapter if applicable, subject to Subsection 28.88.120.1.4 of this Chapter.
- TIME SHARE PROJECTS.** If a proposed time share project retains kitchens in the individual units, they shall be subject to all physical standards under Section 28.88.040 of this Code. The conversion of a dwelling unit to a time share project, wherein the converted unit consists of a suite of no more than two (2) rooms and provides no individual kitchens or cooking facilities is exempt from the following Subsections of Section 28.88.040: 1. 28.88.040A. Unit Size; 2. 28.88.040D.1. Utility metering, if a water shut-off valve is provided for each unit or for each plumbing fixture in that unit; 3. 28.88.040E. Private Storage Space; 4. 28.88.040F. Laundry Facilities; and 5. 28.88.040J. **Parking Standards**, provided that there shall be provided one-and-one quarter (1¼) spaces for each unit. This requirement may be modified if the applicant can demonstrate that additional parking is not needed.

The above language is consistent with section 28.90.100.G.3 and is not consistent with the 1 space per bedroom requirement that staff is currently quoting to applicants. Staff is calling each bedroom a “unit” and requiring one space for each bedroom.

CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA
89 SOUTH CALIFORNIA ST., SUITE 200
VENTURA, CA 93001
(805) 585-1800



January 10, 2017

City of Santa Barbara
Attn.: Renee Brooke, City Planner
630 Garden Street
Santa Barbara, CA 93102-1990

Re: Executive Director Determination for Proposed Short Term Vacation Rental at [REDACTED]
[REDACTED]

Dear Ms. Brooke:

We have reviewed your January 6, 2017 letter requesting a determination of hearing procedures pursuant to Santa Barbara Municipal Code (SBMC) Section 28.44.050.B.2, as to whether the conversion of an existing residential unit located at 128 Natoma Avenue to a short-term vacation rental (STVR) is categorically exempt from Coastal Development Permit (CDP) requirements. As described within the subject letter, the applicant asserts that a STVR is materially similar to a time-share unit, and that because Section 28.44.070 of the SBMC categorically exempts the conversion of an existing, multi-family residential unit to a time-share unit, the conversion of an existing residential unit to a STVR is also categorically exempt.

As the SBMC does not contain a definition of vacation rental, the City has indicated that it considers STVRs to be a use similar to that of a hotel. Based upon the definition of hotel in Section 28.04.395 of the SBMC, the City has also indicated that it considers a STVR to be a non-residential use that is only allowed in certain zones where commercial uses are allowed. As such, the City asserts that the conversion of the subject residential unit into a STVR requires a CDP because it is a change of use from residential to commercial.

The Executive Director agrees that conversion of a residence to a STVR does not qualify as a categorically excluded conversion pursuant to Section 28.44.070 of the SBMC because a STVR does not qualify as a time-share project, estate, or use, as defined in Section 11212 of the Business and Professions Code. However, we disagree with the City's current approach to consider residences used as STVRs as "hotel" uses (pursuant to the City's interpretation of the definition of "hotel" included in the SBMC) for the purpose of prohibiting or limiting STVRs in residential zones. Moreover, the City's certified LCP does not clearly provide that a CDP is required to use an existing single family residence or duplex as a STVR.

As the Commission described in its December 6, 2016 guidance letter on Short-Term/Vacation Rentals in the California Coastal Zone, "the Commission has found that vacation rental prohibitions unduly limit public recreational access opportunities inconsistent with the Coastal Act." See <https://documents.coastal.ca.gov/reports/2016/12/w7a-12-2016.pdf> (Attachment C). Furthermore, the City of Santa Barbara Land Use Plan (LUP) includes policy language that prioritizes visitor-serving recreational facilities, protects lower cost visitor and recreational

facilities, and prohibits removal or conversion of visitor-serving development in certain areas of the City. The LUP also includes several policies that protect coastal resources, including public access.

Due to their function as a high priority visitor-serving use, the Coastal Commission has generally interpreted local zoning ordinances in a broad fashion and found that short term rentals are a form of residential use, permitted by right, in any residentially zoned area unless such uses are specifically prohibited or otherwise restricted. Nonetheless, we also understand and appreciate that these uses may raise a number of neighborhood character and operational issues, such as site management, number of occupants, special events, parking, litter, and noise limits. As such, we support developing reasonable and balanced regulations that can be tailored to address the specific issues within your community to allow for STVRs, while providing appropriate regulation to ensure consistency with applicable laws. We believe that appropriate rules and regulations can address issues and avoid potential problems while complying with Coastal Act and LCP policies to promote public access and protect lower-cost visitor accommodations. Thus, we encourage the City to update its certified LCP to more clearly regulate STVRs in a manner that does not prohibit or unduly limit them.

In summary, the Executive Director agrees with the City's determination that the subject request to convert an existing residential unit to a STVR does not fall within the categorical exclusion for time share conversions pursuant to Section 28.44.070 of the SBMC. However, as described above, Commission staff believes that this request highlights the need for the City to process an LCP amendment to establish clear provisions and coastal development permit requirements that will allow for STVRs and regulate them in a manner consistent with the Coastal Act. As such, Commission staff would strongly recommend the City's pending Round Three LCP Local Assistance Grant include an evaluation of STVRs, as well as the creation of provisions to specifically address this topic.

We look forward to working with you to address the regulation of STVRs within the City. If you have any questions, please don't hesitate to contact our office.

Sincerely,



Jacqueline Phelps
Coastal Program Analyst



City of Santa Barbara

VACATION RENTALS

Please be advised that the following information is subject to change.

The conversion of an existing residence to a vacation rental is considered by the Planning Division to be a change-of-use from a *residential use* to a *non-residential use* and will require compliance with the following standards described below. A "vacation rental" is a hotel when any building, group of buildings, or portion of a building is occupied for overnight stay by individuals for less than 30 consecutive days (See the definition of "hotel" at SBMC §28.04.395).

Please refer to the table below **and** general standards on page 2 for relevant requirements. A project **must comply with all general standards** in addition to the project components to qualify the level of review outlined below. Please refer to the Planning Division handouts at www.SantaBarbaraCA.gov/PlanningHandouts for submittal requirements. Additional information may be found on the Vacation Rental webpage.

Planner Consultations or a Pre-Application Review Team (PRT) submittal are highly recommended for projects subject to Staff Hearing Officer or Planning Commission review.

Planning Process for Conversion of Residential Unit to a Vacation Rental		
Number of Existing Residential Units to be Converted	Project Components to Determine Level of Review	Highest Level of Review*
1 Residential Unit	<ul style="list-style-type: none"> No exterior changes Converting less than 1,000 s.f.** to the non-residential use (excluding garages and carports) 	Staff
	<ul style="list-style-type: none"> Exterior changes proposed or Converting between 1,000 - 3,000 s.f.** to a non-residential use (excluding garages and carports) 	Architectural Board of Review or Historic Landmarks Commission (Design Review Body)
	<ul style="list-style-type: none"> Project located in the Coastal Zone (which requires a Coastal Development Permit) and Converting less than 3,000 s.f.** to the non-residential use (excluding garages and carports) Modification required 	Staff Hearing Officer (In addition to design review if required and if no other approval is required by the Planning Commission)
	<ul style="list-style-type: none"> Converting more than 3,000 s.f.** to the non-residential use (excluding garages and carports) 	Planning Commission (In addition to design review if required)
> 1 Residential Unit	<ul style="list-style-type: none"> Hotel Conversion Permit required*** 	Planning Commission (In addition to design review if required)

*The level of review may vary from this chart depending on additional site specific information or constraints.

**Please refer to the Nonresidential Growth Management Program Ordinance SBMC §28.85 for more information on limitations.

***Planner Consultation recommended prior to any formal submittal.

R-4 Process (Vacation Rentals) – Key Points City Council to Address

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Marck Aguilar

From: MAguilar@SantaBarbaraCA.gov
Sent: Monday, March 06, 2017 12:51 PM
To: Marck Aguilar
Subject: New Zoning Ordinance (NZO) Website Feedback

New Submission from the **New Zoning Ordinance (NZO) website feedback** form.

First and Last Name: : Jim Heaton

Email Address: :

Comments: : I am very concerned about residential definition changes that would limit R-4 zone property from doing short term rentals. We own our house in an R-4 zone and while we do not currently rent it out, that option is a major positive consideration as we maintain our home downtown. We are surrounded by businesses. We live in the dense downtown but our proximity to downtown and businesses make it ideal for visitors to share our space. It does not make sense to prevent us from sharing our home through short term rentals, while allowing hotels, group homes, and care facilities as our neighbors. We would continue to pay all appropriate taxes and be good neighbors. Please do not exclude short term rental from R-4 though the new definition, even if inadvertently! We do appreciate the zoning ordinance improvement effort overall. Sincerely, Jim Heaton 309 West Figueroa St

This is an automated email sent from the City of Santa Barbara **New Zoning Ordinance (NZO) Website Feedback** web form. If you feel have received this email in error, please contact the City Webmaster, **Webmaster@SantaBarbaraCA.gov**.

: NULL

To: Marck Aguilar
Copy: Danny Kato, Renee Brooke
From: Kurt Huffman, 119 Cedar Ln
Subject: NZO Feedback – Fences & Hedges Exceptions



Regarding the "Fences & Hedge" portion of the NZO draft, please consider modifying the wording of Required Findings for Fence and Hedge Minor Zoning Exceptions Section 28.40.120.E.1 to cover "directly-affected" neighbors in the exception process.

Extensive public comment during the hedge ordinance update process (prior to the NZO) focused on the common directive to protect "directly-affected" neighbors, not just neighbors sharing a common property line. The reason the public felt so passionately about the "directly-affected" wording was that it was the absence of this concept that caused the initial hedge ordinance uproar and the subsequent ordinance moratorium. Had the prior hedge ordinance included directly-affected neighbors, one citizen could not retaliate or spite others in the City by turning them in when there was no direct impact to the complainant.

Consider the case of a flag lot example (see separate diagram). Say neighbors A and C who are direct neighbors separated only by the driveway of neighbor B. There is no "lot" between A and C; there is no other neighbor between A and C; there is only a driveway. Neighbors A and C directly affect each other even though they do not share a property line.

The current NZO wording creates an incongruity as follows: a hedge on the property (i.e. driveway) of neighbor B creates an approval requirement from neighbor A, but a hedge on the property of neighbor C is allowed without approval from neighbor A.

Whether a hedge in a flag lot situation is on neighbor B's or neighbor C's property is irrelevant. Neighbor A is directly-affected negatively either way; therefore, Neighbor A's approval for an exception should be required in both cases.

There are other odd-shaped lots where neighbors could be directly affected but not share a common property line (see separate diagram).

Under a directly-affected clause, much like other public comment processes, the burden of proving directly-affected status would be on the commenter. The Design Review body would make the decision as to whether a neighbor qualified as directly-affected based on the commenter's evidence.

If "directly-affected" language is deemed too subjective, then I propose wording to include neighbors within some range such as 50 feet (or perhaps even as low as 25 feet. Note that

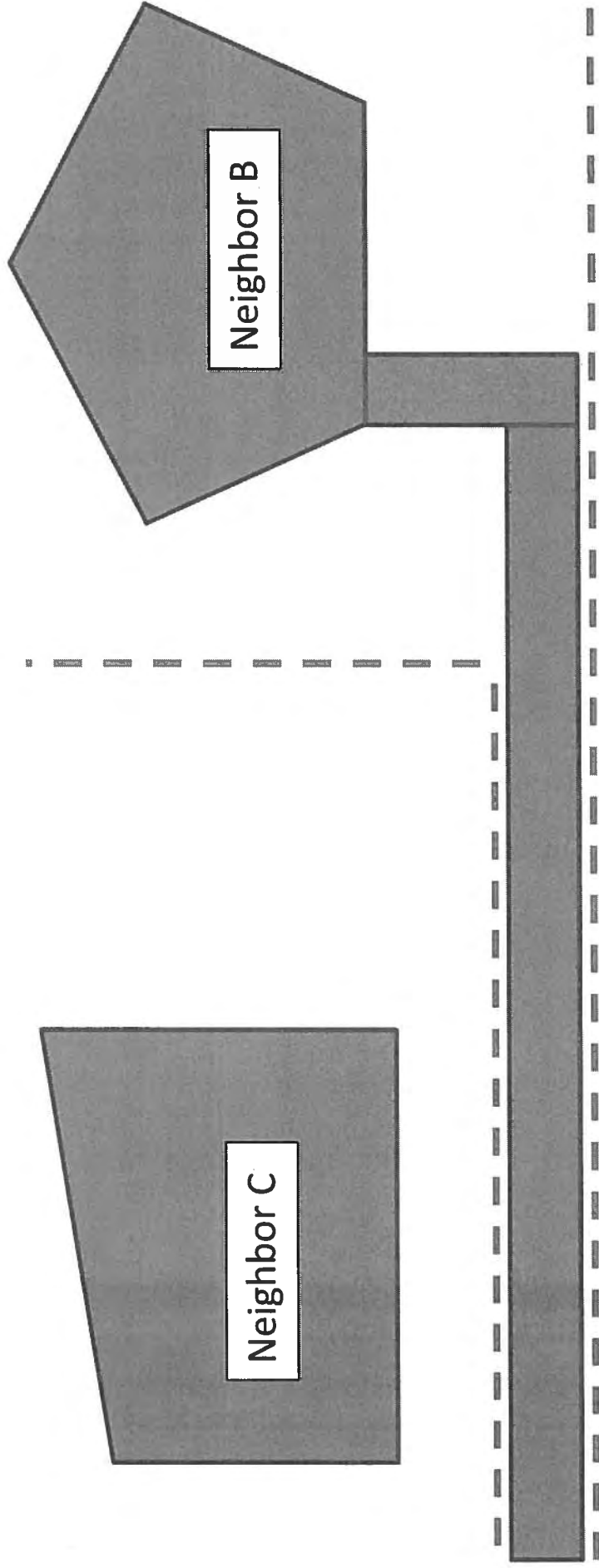
there was never a "50 feet" or any distance discussion during hedge ordinance public comment. This is my own suggestion as a surrogate for "directly-affected."

Additionally, Public Notice and Hearing Section 28.66.050.A specifically exempts fence and hedge minor zoning exceptions from public notice. There are no other exemptions. With this wording, neighbor A in the example above would not even be aware of the neighbor C's application or approval of a hedge exception. Public notice should be provided when a homeowner is seeking a minor zoning exception for fences or hedges.

While Required Findings Section 28.66.060 states that in order to grant the exception ". . . the Review Authority shall find that granting of such Exception will not be detrimental to the use and enjoyment of other properties [plural] in the neighborhood," the exemption of fences screens and hedges from public notice would prevent affected neighbor A from coming forward to be heard or make their opposition known. Application Requirements Section 28.66.040 (for a minor zoning exception) speaks to the requirement of "evidence of the adjacent property owner's [singular] approval" as if in all cases only the one neighbor abutting the applicant's property line would be affected. Other neighbors might also be affected.

In summary, please consider changing:

1. Fences and Hedges Section 28.40.120.E.1 from "that share a common property line . . . " to "that are directly affected . . . " or perhaps "that are within 50 feet" or at least "that are within 25 feet."
2. Public Notice and Hearing Section 28.66.050.A by deleting A and require public notice for all minor zoning exceptions including fence and hedge exceptions.
3. Application Requirements Section 28.66.040 from "the adjacent property owner's approval" to "all directly-affected property owners' approval."



Neighbor A is directly affected by Neighbor C's hedge Exception but current zoning draft requires approval from Neighbor B only. *Public notice is Exempt.*

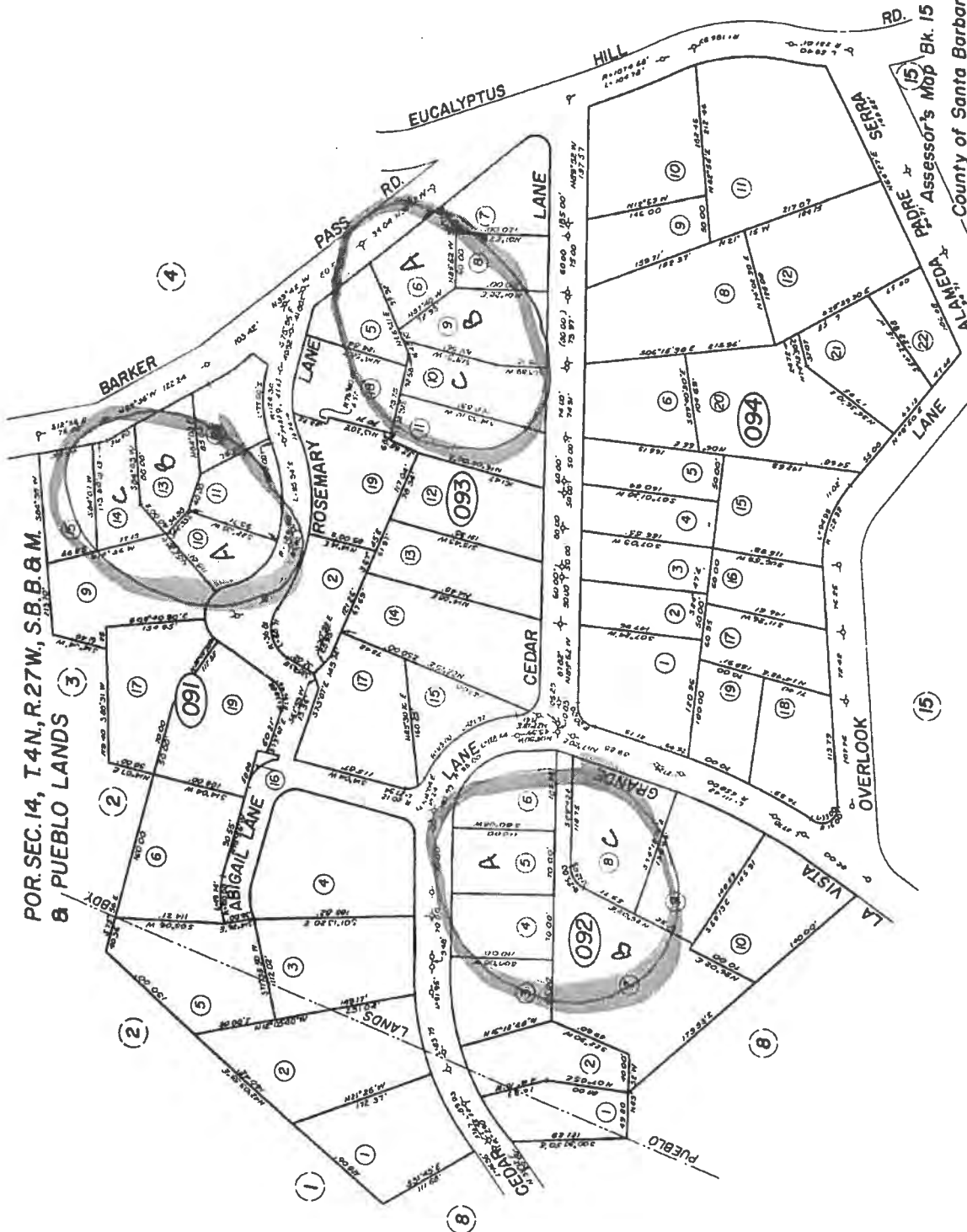
--- Property Lines

15-09



POR. SEC. 14, T. 4 N., R. 27 W., S. B. B. & M.

8 PUEBLO LANDS



NOTE - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

Assessor's Map Bk. 15 - Pg. 09
County of Santa Barbara, Calif.

095 / 81 Cooper Leno Lane (177W)

Marck Aguilar

From: Michael Martz <michael@hayescommercial.com>
Sent: Thursday, March 09, 2017 6:23 PM
To: Marck Aguilar; Jay Higgins
Subject: Future of Parking Studies

Categories: Orange Category

Jay and Marck,

Here are some articles that the city staff should evaluate before making long term decisions on parking regulations. Technology is changing quickly and disrupting the way we get around. They city should be looking forward, not backward.

<https://www.t2systems.com/img/T2/banners/T2-eBook-5-Trends.pdf> – Note that quote: "Dr. Kara Kockelman from the University of Toronto predicts that autonomous cars could reduce parking demand by 90%."

<http://www.mckinsey.com/industries/automotive-and-assembly/our-insights/ten-ways-autonomous-driving-could-redefine-the-automotive-world>

<http://www.mckinsey.com/business-functions/sustainability-and-resource-productivity/our-insights/urban-mobility-at-a-tipping-point>

<http://www.motherjones.com/environment/2016/01/future-parking-self-driving-cars>

A simple google search will turn up many, many more studies on this topic.

I hope this is helpful.

Michael Martz, CCIM
Partner

HAYES COMMERCIAL GROUP
222 E. Carrillo Street, Suite 101
Santa Barbara, CA 93101

direct: (805) 898-4363
fax: (805) 898-4360
email: michael@hayescommercial.com
webpage: www.hayescommercial.com
DRE#: 01391838

*City of Santa Barbara NZO review process
March 6, 2017*



SFDB, review

Comments/Questions on "Figures" released on Tuesday February 28, 2017

1. **Figure 28.40.100(D) (8) Roof Mounted Solar Energy Equipment Encroachment:** The figure showing the limitation of roof mounted heights for solar panels on a flat roof. Does this also apply to solar panels mounted on the ground?
2. **Figure 28.40.100 (D) (6) Porches and Outside Step Encroachments :**Please provide clarification on the 3 foot and 6 foot maximum distance shown on the extension of the front roof portion as to whether that these are dimension that are setbacks from the property line or are they measurements within the designated "front yard"?
3. **Figure 28.40.100 (C) (3) Bay Widow Encroachment:** Are bay windows allowed in side yard and rear yard setbacks?
4. **Figure 28.04120: Screening:** The walls shown on the diagram. Are these required to be "solid" or can they be semitransparent such as chain link fence?
5. **Figure 28.04.100: Measuring Setbacks:** Is the secondary setback shown on a corner lot allow for more flexibility?
6. **Figure 28.04.090 (B) Measuring the Height and Hedges:** It is recommended that the diagram showing a hedge above a retaining wall be depicted as the hedge been allowed to be eight feet in height and the retaining wall to be 6 feet maximum, regardless whether or not the hedge is back five feet from the wall. This is a condition we believe reflects many existing wall/hedges throughout the city, particularly on the Riviera in such locations for properties which are on the upper side of Alameda Padre Serra.
7. **Figure 28.04.70: Measuring Floor Area:** does the indication of the measurement for the area below the first floor only for "finished" basement and or cellars?

Additional Comments

As a result of the first Planning Commission Hearing on the proposed NZO draft on March 2, 2017 the SFDB wishes to bring the following items to your attention:

1. **28.40.100 Encroachments into Setbacks section (D) paragraph 2b.** It is referring to adjacent property owners requiring an agreement for exceptions. We believe that any time the zoning requires agreement between owners for exceptions etc. that there needs to be clear process layout for both property owners and the public. If this is something being referred to the SFDB then they will need to specific authority spelled out as to the board's purview. And if that is the case then such reviews should be subject to notice of hearing, and in the case of specific zoning rules the city attorney's office should be present at the SFDB to assure that the board deliberates and comes to decisions that do not jeopardize the city.
2. With respect to noticing we believe there should subsequent steps to assure the publics ability to be aware of specific hearings beyond the first required noticing for the initial review meeting.

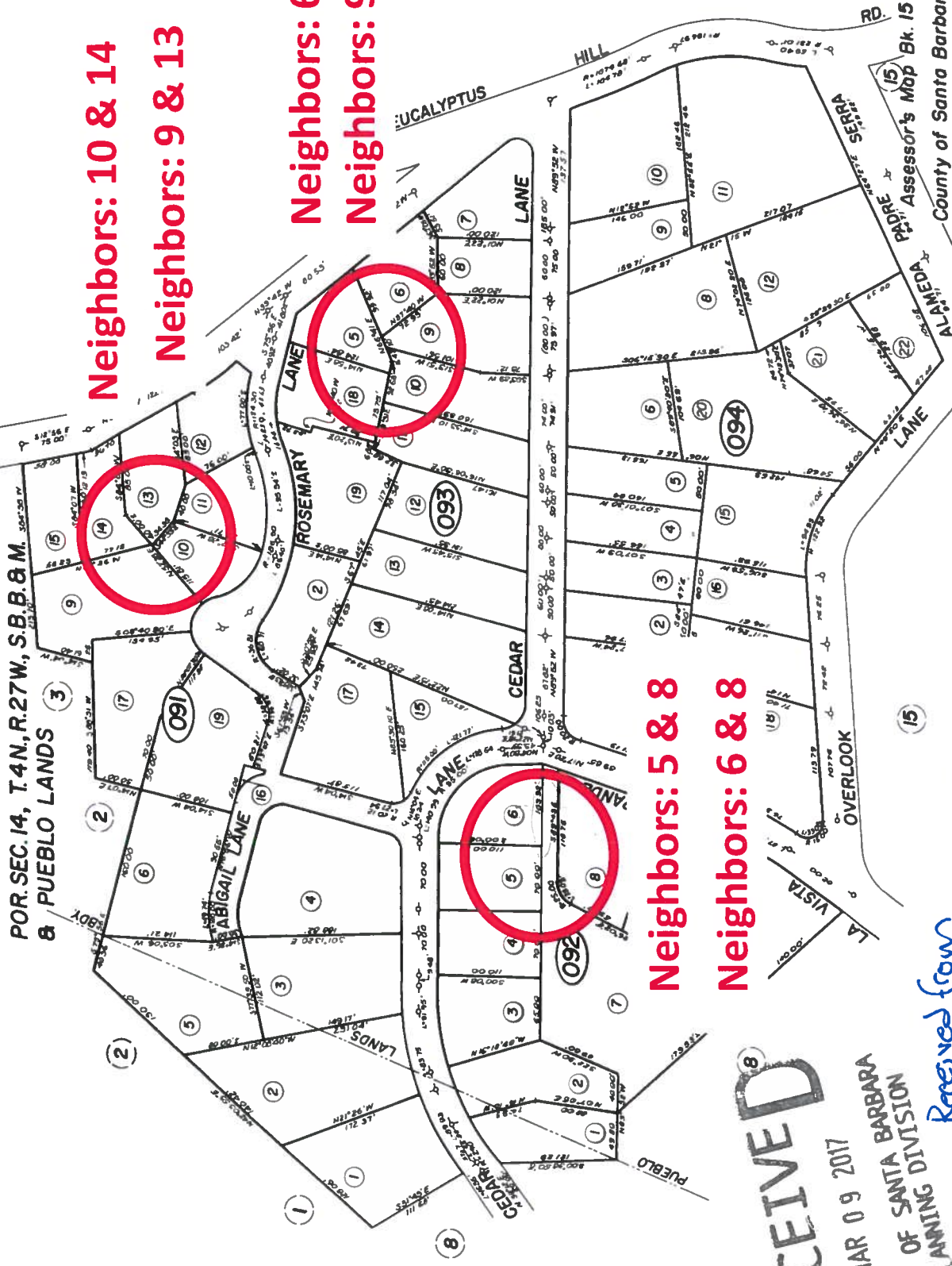
Although staff has indicated the current process follows the state rules and/or guidelines we believe the city should take additional steps to assure the public is made aware of the subsequent meetings for each review session. In many cases review of projects by the SFDB is only public hearing process by which neighbors and concerned citizen may have an opportunity to comment. So in some respects, given the neighborhood dynamics of many applications, the SFDB acts more in the model of the planning commission.

Respectfully Submitted

Fred L. Sweeney AIA
2017 Chair of the SFDB.

Flag and other irregular-shaped lots illustrating directly affected neighbors who do not share a common lot line

15-09



Neighbors: 10 & 14

Neighbors: 9 & 13

Neighbors: 6 & 10

Neighbors: 9 & 18

Neighbors: 5 & 8

Neighbors: 6 & 8

RECEIVED
MAR 09 2017
CITY OF SANTA BARBARA
PLANNING DIVISION

Received from
Pamela Skifford at 120 PC Hearing

NOTE - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

Assessor's Map Bk. 15 - Pg. 09
County of Santa Barbara, Calif.

09/07
Correct Lead Line (21W)

Marck Aguilar

From: ksazoury@gmail.com
Sent: Tuesday, March 14, 2017 10:46 AM
To: Marck Aguilar
Subject: NZO Projects

Categories: Orange Category

The undersigned Kamil and Diana Azoury live at 929 Aleeda lane in the City of Santa Barbara. We purchased our property in 1996 in an attractive residential neighborhood characterized by its good quality of life that allowed us to raise our three children in a safe environment.

This e-mail is regarding the proposed zoning law amendments intended to allow Conditional Use Permitted non-single family residential uses in single family residence neighborhoods in the City.

We strongly oppose the City's plan to introduce non-single family residential uses in single family residential neighborhoods. Such a zoning amendment would degrade the quality of residential neighborhoods in the City by introducing additional traffic, noise, pollution among other unpleasant factors. Additionally, it does not seem appropriate for the City to promote such non-single family residential uses that would be contrary in many cases to the neighborhood's Covenants, Conditions and Restrictions (CC&R). Such a zoning amendment would promote neighborhood animosities and legal actions among neighbors. This should not be the City's unintended consequence in such a proposed zoning amendment. We also believe the City in its proposed zoning amendment would degrade real estate values in the affected neighborhoods which is not equitable to property owners such as ourselves who invested in a residential neighborhood to ultimately be faced with an adverse City action beyond our control. We therefore respectfully request that the City Planning Commission and Council reject and decline this proposed amendment to save the quality of life and property values in the City.

We appreciate your attention to our concerns.

Kamil and Diana Azoury
929 Aleeda Lane
Santa Barbara, Ca 93108

Sent from Mail for Windows 10

Marck Aguilar

From: MAguilar@SantaBarbaraCA.gov
Sent: Tuesday, March 14, 2017 3:49 PM
To: Marck Aguilar
Subject: New Zoning Ordinance (NZO) Website Feedback

Categories: Orange Category

New Submission from the **New Zoning Ordinance (NZO) website feedback** form.

First and Last Name: : Kamil S. Azoury

Email Address: :

Comments: : We strongly oppose the City's plan to introduce non-single family residential uses in single family residential neighborhoods. Such a zoning amendment would degrade the quality of residential neighborhoods in the City by introducing additional traffic, noise, pollution among other unpleasant factors. Additionally, it does not seem appropriate for the City to promote such non-single family residential uses that would be contrary in many cases to the neighborhood's Covenants, Conditions and Restrictions (CC&R). Such a zoning amendment would promote neighborhood animosities and legal actions among neighbors. This should not be the City's unintended consequence in such a proposed zoning amendment. We also believe the City in its proposed zoning amendment would degrade real estate values in the affected neighborhoods which is not equitable to property owners such as ourselves who invested in a residential neighborhood to ultimately be faced with an adverse City action beyond our control. We therefore respectfully request that the City Planning Commission and Council reject and decline this proposed amendment to save the quality of life and property values in the City.

This is an automated email sent from the City of Santa Barbara **New Zoning Ordinance (NZO) Website Feedback** web form. If you feel have received this email in error, please contact the City Webmaster, **Webmaster@SantaBarbaraCA.gov**.

: NULL

Marck Aguilar

From: Brenda Beltz
Sent: Monday, March 13, 2017 5:18 PM
To: Marck Aguilar
Subject: FW: NZO Feedback
Attachments: NZO Feedback Brenda Beltz.pdf; NZO Diagram of typical flaglot illustrating directly-affected neighbor not sharing property line.pdf

Categories: Orange Category

FYI

Brenda Beltz

Associate Planner

CITY OF SANTA BARBARA, Community

Development

(805) 564-5563 | BBeltz@SantaBarbaraCA.gov

From: Kurt Huffman [mailto:huffmankurt@gmail.com]

Sent: Monday, March 13, 2017 5:15 PM

To: Brenda Beltz <BBeltz@SantaBarbaraCA.gov>

Subject: NZO Feedback

Ms. Beltz:

I was unable to attend the recent Planning Commission meeting, however I understand you are still accepting NZO feedback.

See attached for comments and feedback relating back to the old hedge ordinance public comment meetings that have yet to be correctly incorporated into the NZO.

Please confirm you received this message.

Thank you!

Kurt Huffman

Marck Aguilar

From: dpjonesbsa@cox.net
Sent: Wednesday, March 15, 2017 1:52 PM
To: Marck Aguilar
Subject: RE: New Zoning Ordinance

Marck,

Thanks for taking the time to reply to my email. It is appreciated. And I found out from the Burger Bus owners that the NZO is not the only (or maybe even primary) reason for them selling their business. Maybe too tough a grind after 8 years.

Dave Jones

----- Marck Aguilar <MAguilar@SantaBarbaraCA.gov> wrote:

> Mr. Jones,

> Thank you for inquiring.

> The current zoning ordinance, which regulates use of private property, does not recognize mobile food vending as an allowed use. In recent years, there has been a rise in this type of land use and in recognition of that, the New Zoning Ordinance (NZO) proposes to allow food trucks, with some parameters. Draft ordinance language to allow them on private property was first reviewed by the Planning Commission in June 2015 and support was expressed. Subsequently, after meeting with a consortium of mobile vendors and interested parties in December 2015, some revisions were made. The current Draft New Zoning Ordinance was released to the public on February 9, 2017, and the provisions for Mobile Food Vendors can be found in Temporary Uses, subsection 28.49.420.E.5 (page III-210 of the Draft NZO document).

> Here is a link directly to the document:

> <http://www.santabarbaraca.gov/civicax/filebank/blobdload.aspx?BlobID=1>

> 85806 The main NZO webpage is here:

> <http://www.SantaBarbaraCA.gov/NZO><<http://www.SantaBarbaraCA.gov/NZO>>

> As for mobile vending on the street, it is currently prohibited by the City's Peddlers Ordinance (Santa Barbara Municipal Code Ch. 5.32) however, the City Attorney's Office is in the process of creating provision for the allowance of mobile vending on city streets. That is an effort separate from the NZO.

> I hope this clarifies what is being proposed. Recent news articles may have not had the benefit of complete information.

>

> Marck Aguilar

> Project Planner

>

> CITY OF SANTA BARBARA, Community Development

>

> (805) 564-5399 | MAguilar@SantaBarbaraCA.gov

>

> -----Original Message-----

> From: Julie Rodriguez On Behalf Of Community Development PC Secretary

> Sent: Monday, March 13, 2017 11:37 AM

> To: 'dpjonesbsa@cox.net' <dpjonesbsa@cox.net>

> Cc: Marck Aguilar <MAguilar@SantaBarbaraCA.gov>; Danny Kato

> <DKato@SantaBarbaraCA.gov>; Beatriz Gularte

> <Bgularte@SantaBarbaraCA.gov>; Scott Vincent

> <Svincent@SantaBarbaraCA.gov>

> Subject: RE: New Zoning Ordinance

>
>
>
>
> Dear Mr. Jones,
>
> Thank you for your comment letter. I have forwarded it to the Planning Commission for review and to the
NZO staff for a reply.
>
> Kindly,
> Julie
>
>
> Julie Rodriguez
>
> Planning Commission Secretary
>
> CITY OF SANTA BARBARA, Community Development
>
> (805) 564-5470 x 4535 |
> PCSecretary@SantaBarbaraCA.gov<mailto:PCSecretary@SantaBarbaraCA.gov>
>
>
>
> -----Original Message-----
>
> From: dpjonesbsa@cox.net<mailto:dpjonesbsa@cox.net>
> [mailto:dpjonesbsa@cox.net]
>
> Sent: Monday, March 13, 2017 9:59 AM
>
> To: Community Development PC Secretary
> <pcsecretary@SantaBarbaraCA.gov<mailto:pcsecretary@SantaBarbaraCA.gov>
> >
>
> Subject: New Zoning Ordinance
>
>
> I just learned that the proposed Zoning Ordinance will prohibit food trucks from doing business on private
property. If this is true, I find it hard to believe and strongly disagree. Food trucks offer a special service in a
unique way. As long as they operate in commercial zones and obtain Health Dept. clearance, the logic to
prohibit them on private property escapes me. Plus The Burger Bus has the best burger in town!
>
>
>
> Dave Jones



To: Brenda Beltz
From: Kurt Huffman
Subject: NZO Feedback – Fences & Hedges Exceptions

Regarding the “Fences & Hedge” portion of the NZO draft, please consider modifying the wording of Required Findings for Fence and Hedge Minor Zoning Exceptions Section 28.40.120.E.1 to cover “directly-affected” neighbors in the exception process.

Extensive public comment during the hedge ordinance update process (prior to the NZO) focused on the common directive to protect “directly-affected” neighbors, not just neighbors sharing a common property line. The reason the public felt so passionately about the “directly-affected” wording was that it was the absence of this concept that caused the initial hedge ordinance uproar and the subsequent ordinance moratorium. Had the prior hedge ordinance included directly-affected neighbors, one citizen could not retaliate or spite others in the City by turning them in when there was no direct impact to the complainant.

Consider the case of a flag lot example (see separate diagram). Neighbors A and C who are direct neighbors separated only by the driveway of neighbor B. There is no “lot” between A and C; there is no other neighbor between A and C; there is only a driveway. Neighbors A and C directly affect each other even though they do not share a property line.

The current NZO wording creates an incongruity as follows: a hedge on the property (i.e. driveway) of neighbor B creates an approval requirement from neighbor A, but a hedge on the property of neighbor C is allowed without approval from neighbor A.

Whether a hedge in a flag lot situation is on neighbor B’s or neighbor C’s property is irrelevant. Neighbor A is directly-affected negatively either way; therefore, Neighbor A’s approval for an exception should be required in both cases.

There are other odd-shaped lots where neighbors could be directly affected but not share a common property line.

Under a directly-affected clause, much like other public comment processes, the burden of proving directly-affected status would be on the commenter. The Design Review body would make the decision as to whether a neighbor qualified as directly-affected based on the commenter’s evidence.

If “directly-affected” language is deemed too subjective, then I propose wording to include neighbors within some range such as 50 feet (or perhaps even as low as 25 feet. Note that

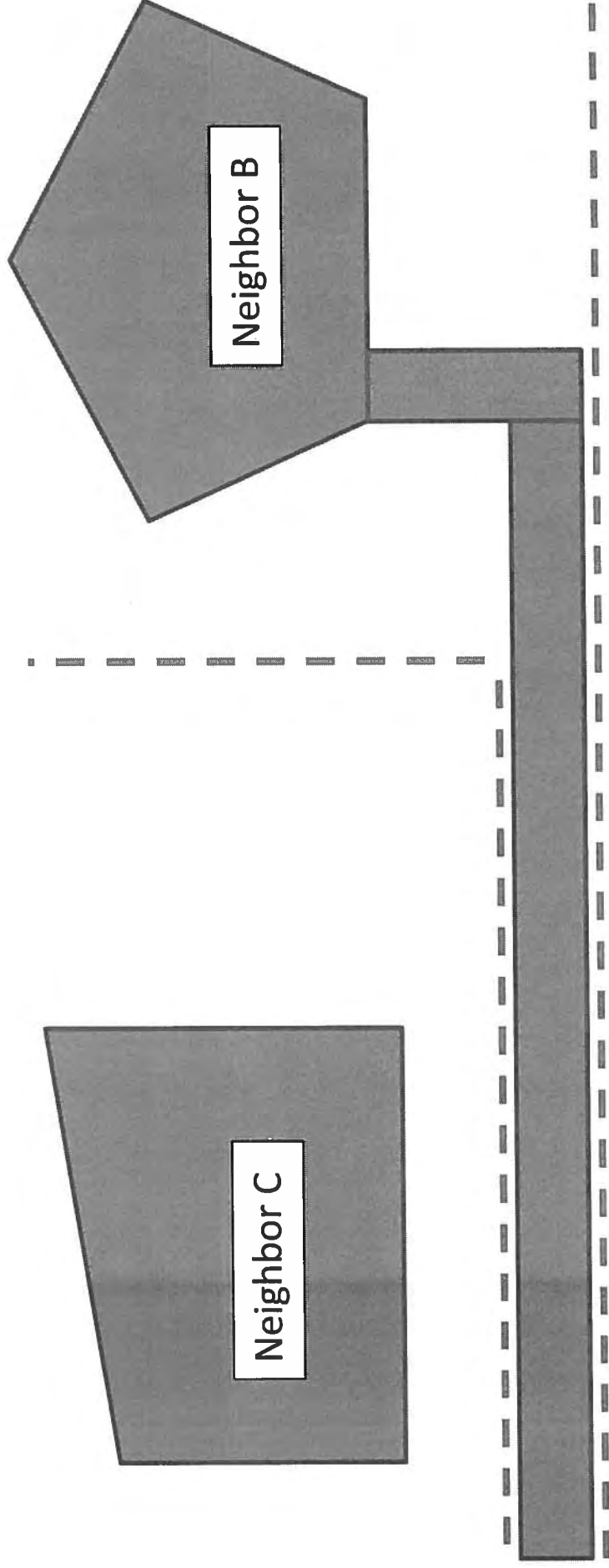
there was never a “50 feet” or any distance discussion during hedge ordinance public comment. This is my own suggestion as a surrogate for “directly-affected.”

Additionally, Public Notice and Hearing Section 28.66.050.A specifically exempts fence and hedge minor zoning exceptions from public notice. There are no other exemptions. With this wording, neighbor A in the example above would not even be aware of the neighbor C’s application or approval of a hedge exception. Public notice should be provided when a homeowner is seeking a minor zoning exception for fences or hedges.

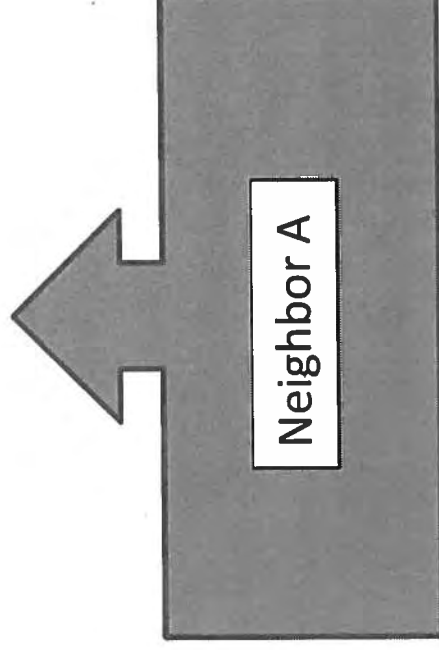
While Required Findings Section 28.66.060 states that in order to grant the exception “. . . the Review Authority shall find that granting of such Exception will not be detrimental to the use and enjoyment of other properties [plural] in the neighborhood,” the exemption of fences screens and hedges from public notice would prevent affected neighbor A from coming forward to be heard or make their opposition known. Application Requirements Section 28.66.040 (for a minor zoning exception) speaks to the requirement of “evidence of the adjacent property owner’s [singular] approval” as if in all cases only the one neighbor abutting the applicant’s property line would be affected. Other neighbors might also be affected.

In summary, please consider changing:

1. Fences and Hedges Section 28.40.120.E.1 from “that share a common property line . . . ” to “that are directly affected . . . ” or perhaps “that are within 50 feet” or at least “that are within 25 feet.”
2. Public Notice and Hearing Section 28.66.050.A by deleting A and require public notice for all minor zoning exceptions including fence and hedge exceptions.
3. Application Requirements Section 28.66.040 from “the adjacent property owner’s approval” to “all directly-affected property owners’ approval.”



Neighbor A is directly affected by Neighbor C's hedge Exception but current zoning draft requires approval from Neighbor B only. *Public notice is Exempt.*



--- Property Lines

Marck Aguilar

From: MAguilar@SantaBarbaraCA.gov
Sent: Saturday, March 11, 2017 10:03 AM
To: Marck Aguilar
Subject: New Zoning Ordinance (NZO) Website Feedback

Categories: Orange Category

New Submission from the **New Zoning Ordinance (NZO) website feedback** form.

First and Last Name: : KimSeefeld

Email Address: :

Comments: : Any attempt to override the exclusively single family residence zoning restriction in zones A-1, A-2 should be eliminated from the proposed zoning ordinance. This includes the attempt to issue "Performance Standard Permits" to allow 7-12 residents in a single family residence in an area zoned for exclusive single family use for the elderly. People have invested millions of dollars in their homes on the expectation that there would be no commercial enterprises in such zones. Under the law single family use is restricted to 6 residents or less in a single family home, elderly or otherwise, and that should remain the law. Beyond that limit, with the many staff, medical providers, visitors, administrators, vendors to an elder care facility and evacuation difficulties for non ambulatory elders in an emergency, you will be allowing a commercial enterprise and will destroy the value and quiet enjoyment of neighboring single family homes

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: NULL